

भारत का राजपत्र

The Gazette of India

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 41]

नई दिल्ली, शनिवार, अक्टूबर 7, 1972/आश्विन 15, 1894

No. 41]

NEW DELHI, SATURDAY, OCTOBER 7, 1972/ASVINA 15, 1894

इस भाग में भिन्न पृष्ठ संख्या वाली जाती है जिसे फि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

भाग II—डण्ड 3—उपलब्ध (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ क्षेत्र प्रशासन को छोड़कर) केंद्रीय प्राधिकरणों द्वारा जारी किये गए विविध अंदेश और अधिकृदानाएं।

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

ELECTION COMMISSION OF INDIA

New Delhi, the 13th June 1972

S.O. 2686.—In pursuance of section 106 of the Representation of the People Act, 1951, the Election Commission hereby publishes the Judgement dated the 16th May, 1972 by the High Court of Judicature at Patna in Election Petition No. 3 of 1971.

ELECTION PETITION NO. 3 OF 1971

In the matter of an application under sections 80-A and 81 of the Representation of the People Act, 1951.

Shri Sita Ram Keshri—Petitioner.

Versus

Sri Gyaneshwar Prasad Yadav—Respondent.

For the petitioner.—M/s. K. P. Verma and Kamla Kant Prasad.

For the Respondent.—M/s. Thakur Prasad and Rajni Kant Choudhary.

The 16th May, 1972

PRESENT:

The Hon'ble Mr. Justice C. P. Sinha.

C. P. SINHA. J.

This election petition, under sections 80-A and 81 of the Representation of the People Act, 1951 (hereinafter referred to as the Act), has been filed by the

defeated candidate Sri Sita Ram Keshri, who is at present a member of the Rajya Sabha, to declare the election of the returned candidate Sri Gyaneshwar Prasad Yadav (Respondent) void. This election pertains to 23-Katihar Parliamentary Constituency comprising of six assembly constituencies, namely Manihari, Katihar, Korha and Barari in the district of Purnea and Gopalpur and Biharpur of Bhagalpur district.

2. As per Election Commission's programme for this election, nomination papers were to be filed between 29th January 1971 to 3rd February 1971 and the poll, if necessary, was to take place on 5th March 1971. The counting of ballot papers were to be done on 10th March 1971 and the result declared on 11th March 1971. In pursuance of this programme, 13 candidates including this petitioner and respondent, filed their nominations. Two of them, however, subsequently withdrew leaving 11 contestants in the field. The petitioner was the candidate of the Ruling Congress Party (as then known) and the respondent represented the Jan Sangh Party. The poll, in due course, took place on 5th March 1971 and ballots were counted on 10th March 1971. In that counting, respondent secured the highest votes numbering 96,422 against the petitioner's who was his nearest rival, securing 83,533 votes. This gave him (respondent) a lead of 12,889 votes over him (petitioner) and, accordingly, he (respondent) was declared elected. During this counting 11,314 votes had been rejected.

3. The petitioner has challenged this election of the respondent as being void on the ground of corrupt

practices envisaged in section 123 of the Act on the following allegations. The respondent, his agents and workers had got printed and distributed (at places read over) two leaflets of the nature of Annexures 1 and 2 to this election petition (since exhibited in the case as Exts. 2/d and 2/c, respectively) just before the poll day, i.e., on 4th March 1971, among the Hindu voters of several villages, as enumerated in Schedule 1 to the election petition. In the first pamphlet, which was entitled "Naugachhia Aur Gopalpur Ke Janta Ko Naam-Is thana Ka Pratyak Pragatishil Vichar Rakhana walon Se Namra Nivedn", it was *inter alia* stated that on 1st March 1971 Baba Baidyanath, to whom the Hindus are religiously devoted, had given a command in dream to Sardar Panda that his deciples had to suffer a lot in the regime of Indrajit and it was Jan Sangh which always stood for and lighted the flame for cows, Brahmins and religion, and, accordingly, whoseover violated His command by not voting for Jan Sangh would lose every member of his family as to leave none in the family to light a lamp in that house. While distributing this leaflet, the respondent, his agents and workers with his consent by explaining its contents and by making oral appeal among those Hindu voters on the ground of religion, made them believe about the truth of those contents as also their oral appeal so that unless they voted for his (respondent) they would make themselves object of divine displeasure.

4. In the same way, on that day, i.e., 4th March 1971, the respondent, his agents and workers with his consent had got the above other leaflet (annexure 2) entitled, "Chunao Nahi Aandhi hai Doshi Indra Gandhi Hai" distributed among the Hindu voters along with the first leaflet (annexure 1) in those villages of schedule 1. In this leaflet (annexure 2) it was amongst others alleged that the Ramayan, which is a holy book of Hindus, was burnt and the idol of Ram, to whom the Hindus are religiously very much devoted, had been given shoe beating by those who are in league with the Congress Party and its leader Indira Gandhi and by this means they created a feeling of hatred and enmity between the petitioner and his party, on one hand, and the Hindu voters on the other, arousing their religious feelings for securing votes.

5. As a result of the aforesaid distribution of leaflets and oral appeals in the name of religion and divine displeasure as also promotion of feeling of hatred and enmity as above, just on the eve of the poll, the petitioner's election prospect was very much damaged and they clearly constituted corrupt practices on the part of the respondent under section 123 of the Act.

6. Not being satisfied with the above corrupt practices, the respondent, his agents and workers with his consent also indulged in further corrupt practice of undue influence at the time of poll on 5th March, 1971 at and near several polling booths by not allowing a large number of voters, who were inclined to vote for the petitioner. They with the help of *lathials* and criminals terrorised and restrained the voters, particularly of the weaker section like, Muslims, Harijans and backwards from reaching the booths as detailed in Schedule 2 of the election petition. With the help of those undesirable elements they also controlled several booths and forcibly snatched a large number of unsigned ballot papers from the Presiding Officers and put them into ballot boxes, after having stamped them in favour of the respondent. They had also snatched votes from hands of some voters and threw them out, in haste. The respondent was further disqualified under section 9A of the Act, because of his having subsisting contract in course of his trade and business with the appropriate Government for supply of goods and execution of works undertaken by that Government at the time of his nomination and subsequently.

7. The respondent, in his written statement, has seriously refuted the allegations of corrupt practices as made in the election petition against him, his agents and workers and has characterised them all as false,

mischiefous and baseless. He has emphatically denied the printing, publication and distribution of the leaflets (annexure 1) by himself, his agents or workers with his consent. He has alleged that he was quite in dark about the existence of any such pamphlet till he had been served with a copy of this election petition. After receiving that copy, he made enquiries in the villages concerned of schedule 1 and learnt that no such pamphlet had been distributed in those villages on 4th March, 1971 and as such there was no question of Hindu voters being influenced in his favour against the petitioner on this account. Raghunandan Sao, whom the petitioner has described in schedule 1 to be associated with respondent in the printing and distribution of this pamphlet (annexure 1) was never his (respondent's) worker or agent nor a member of the Jan Sangh Party and that (Raghunandan Sao) had never worked for the respondent in the election. The respondent had never visited any of the villages of schedule 1 on 4th March, 1971 because from 1st March, 1971 to 4th March, 1971 he had been touring the Katihar, Korha and Barari constituencies and returned to his village Narainpur on the morning of 5th March, 1971 to cast his vote. He suspects that this leaflet had been brought into existence with mischievous design for the purpose of this election case.

8. As regards the other leaflet to the election petition (annexure 2), his assertion in the written statement is that he or his agents had nothing to do with its printing or publication nor they had ever got them distributed in the villages concerned along with the leaflet (annexure 1) as alleged by the petitioner. He had given strict orders to his agents and workers not to publish any pamphlet or leaflet unless he had perused and scrutinised their contents and accorded his consent to their printing and publication and if any unauthorised and over zealous person had got this leaflet (annexure 2) printed contrary to his orders and without his consent or knowledge he was in no way responsible for it. Moreover, as a perusal of this pamphlet (annexure 2) will show, it is a general criticism of the policy and actions of the Prime Minister Indira Gandhi and her Government without in any way casting reflections on the character, integrity, personal life or political activity of the petitioner. Furthermore, the relevant paragraph relating to Ramayan and Ram was a criticism of the action of the political party Dravida Munnetra Karzham (DMK) in Madras and also of Srimati Indira Gandhi for aligning with that party of Madras which had nothing to do with Bihar. Accordingly, there was no question of preaching any hatred or enmity between the petitioner and Hindu voters on its basis and it could in no circumstances come within the mischief of section 123 of the Act.

9. The respondent has also emphatically denied the use of any force to control the polling booths as also snatching of votes from the Presiding Officers or voters and casting them in his (respondent's) favour. His denial is equally strong in respect of the allegation, as made in the election petition, regarding the prevention of voters from casting their votes as detailed in schedule 2 of the election petition by him or by his agents or workers with his consent. He has further asserted that there could be no question of any such unauthorised interference with the free exercise of franchise by those voters because there was sufficient security arrangement on all the polling booths concerned to ensure smooth and peaceful polling. The respondent believes that the Muslim votes of the locality had gone in favour of the Muslim candidate and there could be no question of their having been prevented from voting for the petitioner as alleged. More than 20,000 votes had been polled in this election by the three candidates belonging to Muslim League, Praja Socialist Party and Communist (Marxist). Similarly, other candidates had also polled quite a substantial number of votes. All these would indicate that the agents and workers of all the candidates in the field were quite active and there was no interference with the free exercise of votes by the voters in the constituency.

He has also refuted his alleged disqualification under section 9A of the Act denying that he hold under the Government.

10. His case is that the petitioner, after his election on merit, has filed this election petition on false grounds. Being a man of Dinaur in the district of Patna he did not wield any influence in the areas of this parliamentary constituency and that his (petitioner's) success in the 1967 election from this area was by a very narrow margin. After that success in 1967 he, however, seldom visited his constituency till this 1971 election which annoyed the voters and his defeat in this election was the result of that dissatisfaction amongst the voters and the unpopularity of the Congress Party, and petitioner's allegations in the election petition attributing his defeat to corrupt practices of the above alleged nature are false and engineered for the purpose of the election petition.

11. On the above averments the respondent has claimed outright dismissal of the election petition with costs.

12. On the pleadings the following issues have been raised for decision. It is relevant to mention here that while issues were being settled in the case the petitioner gave up his above allegations regarding control of booths, snatching of ballots from the Presiding Officers and respondent's disqualification under section 9A. Accordingly, no issue about them was framed.

Issues ..

1. Is the Election Petition, as framed, maintainable?

2. Did the respondent, his agents and workers with his consent commit corrupt practices under sections 123(2), (3) and (3A) of the Representation of the People Act, 1951, as alleged in the Election Petition? If so, is the election of the respondent void?

3. To what relief, if any, is the petitioner entitled?

Findings

Issue No. 1.

13. At the time of argument learned counsel for the respondent did not address the Court on this issue admitting that this issue is more or less formal. He conceded that there is no defect in the frame of the election petition, and it cannot be said to be non-maintainable in the form presented. This issue is, accordingly, answered in the affirmative.

Issue No. 2.

14. The instances of corrupt practices, as alleged by the petitioner, on which he has led evidence in Court are three in number. The first is that the respondent, his agents and workers with his consent had interfered with free exercise of electoral right of a large number of voters at several polling stations by preventing them from reaching the booths to cast their votes. The other instance is said to be inducing the electors of the concerned areas to believe that if they did not vote for him (respondent) they would become an object of divine displeasure. They are alleged to have done so by distributing pamphlets of the nature of annexure 1 to the election petition. The third was their appeal to the voters in the name of religion which they sought to achieve by distribution of pamphlets of the nature of annexure 2 to the election petition. According to the election petitioner, their such acts clearly amounted to corrupt practice within the relevant provisions of section 123 of the Act, which clearly vitiated his election and made it void.

15. Before I proceed to examine the merit of above allegations of corrupt practice in the light of evidence on record, it seems necessary to refer to certain authorities which have been cited by the parties on the point of onus in such a case.

16. In Magraj Patodia v. R. K. Birla and others (R. 1971 Supreme Court 1295) it has been held that though a charge of corrupt practice cannot be equated to a criminal charge in all respects, still the burden of proving the commission of the corrupt practice pleaded is on the petitioner and he has to discharge that burden satisfactorily and the evidence adduced by the petitioner in the election case must be cogent and conclusive and in doing so he cannot depend upon preponderance of probabilities. Similarly, in Guruji Shrihari Baliram Jivatode, v. Vithalrao and others (A.I.R. 1970 Supreme Court 1841) it has been laid down that the burden of proving every one of the ingredients of the corrupt practice alleged is on him who alleges it and if he fails to establish any of them to the satisfaction of the Court he must fail. In Ghazi Ram v. Dal Singh and others (A.I.R. 1968 Supreme Court 1191) it has been observed that the proof required to establish a corrupt practice must be almost of the character required to establish a criminal charge. In the earlier case Jagdey Singh Sidhanti v. Pratap Singh Daulta and others (A.I.R. 1965 Supreme Court 183) the Court's observation on the burden of proof in the case of corrupt practice was that in the trial of an election petition the burden of proving that the election successful candidate is liable to be set aside on the plea that he was responsible directly or through his agents for corrupt practices at the election, lies heavily upon the applicant and unless it is established in both its branches, i.e., the commission of acts which the law regards as corrupt, and the responsibility of the successful candidate directly or through his agents or with his consent for its practice not by mere preponderance of probability, but by cogent and reliable evidence beyond any reasonable doubt, the petition must fail.

17. On the above authorities, Mr. Thakur Prasad, representing the respondent, has strenuously urged that since the election petitioner wants this election to be set aside alleging commission of above corrupt practices against the respondent, his agents and workers, the petitioner is under a very heavy responsibility to establish their truth beyond all reasonable doubts by means of cogent and convincing evidence and unless he has done so the respondent's election resulting from electorates' clear mandate in his favour cannot be interfered with merely on suspicions or preponderance of probability.

18. On the other hand, the contention of Mr. K. P. Verma, appearing for the election petitioner, is that even though his client has assailed this election on the ground of corrupt practices of the alleged nature, but when evidence has been gone into by the two sides the question of onus must recede to the background and the success or failure of the case is to be determined after taking into consideration those evidence and preponderance of probabilities. For this view he has placed reliance on the Supreme Court decision in the case of Narayan Bhagwantrao Gosavi Balajiwale v. Gopal Vinayak Gosavi and others (A.I.R. 1960 Supreme Court 100) where it has been said where the parties have joined the issue and have let evidence and the conflicting evidence can be weighed to determine which way the issue can be decided, the abstract question of burden of proof becomes academic. His further argument is that the question of burden of proof is not stationary but shift on the parties according to the evidence produced. In his view, as soon as the petitioner has furnished evidence to substantiate his allegation of corrupt practice the onus is on the other side to disprove it by reliable and convincing evidence and if the evidence adduced by him (respondent) is found to be lacking the requisite reliability then the petitioner's case must be regarded as having been proved and his onus in the matter discharged. To support it he has referred to the Supreme Court case of T. K. Gangi Reddy v. M. C. Anjanya Reddy and others (22 E.L.R. 261), particularly the observation that the burden of proof has two distinct meanings, namely, the burden of proof as a matter of

law and pleading and the burden of proof as a matter of adducing evidence, section 101 of the Evidence Act deals with the former and section 102 with the latter and the first remains constant and the second shifts.

19. As it appears, the above observations in A.I.R. 1960 Supreme Court 100 was made in a case under the Charitable and Religious Trust Act which had nothing to do with allegation of corrupt practice as envisaged in election law. It may not, therefore, be quite correct to apply that principle to the instant case based on the allegation of corrupt practice specially in view of the aforesaid other Supreme Court authorities which have laid down the law on this branch of election law. Similarly, the other ruling (22 E.L.R. 261) relied upon the petitioner cannot come to his aid to shift this burden on the head of the respondent. The observation there on the point of burden under sections 101 and 102 of the Evidence Act were made in the context of those facts which are different from the present ones. In the instant case, the petitioner wants the respondent's election to be set aside alleging him guilty of corrupt practices like prevention of voters from exercising their franchise and printing and publication of hand bills making religious appeal and threatening with divine displeasure. As such, unless the petitioner has succeeded to prove them beyond reasonable doubts the case must fail. Accordingly the onus must be treated to be on the petitioner to establish them and, if so, I think, it wrong to argue that by mere production of some evidence he will be deemed to have discharged that onus shifting it on the other side to disprove them by his own evidence. As I have already referred, the consistent view on this point of the Supreme Court is that the onus in case of corrupt practice is on the petitioner who alleges it and he has to prove it by evidence worthy of credence for his success in the case.

20. Coming to the merit of these allegations, the petitioner's case on the first allegation relating to restraint of voters is contained in paragraph 20 of the election petition. It is to the effect that on the polling day (5th March, 1971) the respondent, his agents and workers with his consent did not allow a large number of voters, who were all inclined to vote in favour of the petitioner, to exercise their franchise and at places they also resorted to violence by collecting lathials and criminals along with them and terrorised and restrained the voters, particularly of Muslims, Harijans and backward communities, from reaching their booths. The particulars of this allegation are said to be set out in schedule 2 of the election petition, I may repeat that though under this alleged undue influence the petitioner in paragraphs 21 and 22 of the election petition has specifically averred that while restraining the voters from going to polling booths the respondent, his agents and workers with the help of lathials and goondas elements had taken control of several booths and by use of force snatched several unsigned ballot papers from the Presiding Officers and put them into the ballot boxes in favour of the respondent and some of those ballot papers were thrown out in haste and some were snatched from the hands of the voters and at certain places even fire arms were demonstrated and voters were removed from the booths by and on behalf of the respondent, but during the hearing the petitioner gave up these points and did not attempt to adduce any evidence to substantiate them. All that appears to have been done on his behalf about these allegations is a mere suggestion to the respondent (R.W. 50) in his cross-examination that several of the polling booths were captured by his men and workers and by snatching away ballot papers from the Presiding Officers they had consigned those votes to the ballot box at those booths leading to his (respondent's) success. This suggestion has been emphatically denied by the respondent who has characterised it as absolutely false adding that since all the polling booths were duly guarded by sufficient police force there could be no question of any such seizure or snatching of ballot papers at them during the poll.

21. In paragraph 3 of schedule 2 to the election petition, names of the persons who are alleged to have prevented voters from casting their votes have been mentioned village-wise. Similarly, its paragraph 4 contains the names of several voters against whom this undue influence is said to have been practised. The villages concerned as noted in this schedule are 13 in number. In course of hearing, however, none of the several voters named in this schedule in respect of 5 of these villages, namely, Ganeshpur, Birbana, Madhurapur, Narainpur and Singha Makhanpur has been brought to the witness box to testify to the correctness of the allegations made in this behalf against the respondent and his men. Even in the cases of the remaining 8 villages, only a few of the named voters have come forward to depose in Court. In the case of Dhurbganj, out of the 9 voters only two Md. Sayeed Ansari and Md. Amanat Ali (P.Ws. 2 and 5) have been examined. In Bihpur, out of the 6 voters only 2 i.e., P.Ws. 26 and 28 (Faiyap Ali and Mahanth Rai) have come. In Jhandapur though 4 have been named but only 2, namely, Kartik, Sao and Tajuddin (P.Ws. 20 and 22) have been examined. One other witness of this village Makbul Ansari (P.W. 24) has also been examined on this point but his name does not find place in the name of voters in this schedule. Out of the 3 named in village Madrauni, only one P.W. 10 (Kuwendra Thakur) has been examined (in the schedule the name mentioned is Kulendra Thakur). Out of the two names, namely, Jagarnath Singh and Sheonath Sah mentioned in village Naugachhia, only one P.W. 35 (Jagarnath Singh) has been examined. He (P.S. 35) has, however, stated that at the first time he could not reach the booth having been prevented to go but the same day he went to the booth some time later and cast his vote. Of the 2 voters, namely, Suresh Singh and Bachu Singh of village Gopalpur none has been examined. The witnesses examined from this village are Buchi Hajam (P.W. 14), Ram Raksha Sharma (P.W. 19) and Ratan Harijan (P.W. 23), none of whom has been named in the schedule. It is interesting to note that though he (P.W. 19) has specifically stated that on the poll day (5th March, 1971), accompanied with Buchi and Ratan (P.Ws. 14 and 23) when he was proceeding to the polling station to cast their vote Siyaram Sharma and Satyadeo Sharma met them on the way and asked them to get back saying that their votes would be cast on which they returned home from there, but by reference, to the relevant voters list on record the respondent's contention that he (P.W. 19) was not a voter in this election has been conceded. It is then not understood as to why he was going to have been prevented as above. There is no such case that even though he was not a voter he was proceeding to the polling station to impersonate for some other person. In village Gonarchak, the two voters named in the schedule are Maheshwar Mandal and Kamleshwar Mandal but only the first (P.W. 34) has been examined. From this village one Bhale Singh (P.W. 7), whose name does not find place in the schedule, has been examined. The contention of the respondent that both these persons, namely, Maheshwar Mandal and Bhala Singh (P.Ws. 34 and 7) were, however, not voters in this election appears to be correct. Ext. G/5 is the marked copy of the electoral roll of this village (Gonarchak). It does not mention either of these two names (Maheshwar Mandal and Bhala Singh) as a voter in this village. On behalf of the petitioner, by reference to serial Nos. 634 and 663 (part 44) of this electoral roll, it has been urged that they clearly disprove the respondent's contention about their not being voters. Serial No. 634 mentions the name of the voter as Maheshwar Mahaldar son of Mahabir Mahaldar. So also the name mentioned in serial No. 668 is Bhale Mahaldar son of Raghu Mahaldar. In the absence of any reliable material to show that these voters in the electoral roll were the same as the above two persons P.Ws. 7 and 34, the petitioner's assertion about them being so cannot be accepted. There is nothing in their (P.Ws. 7 and 34) evidence to suggest that they have

also another surname like Mahaldar. This electoral roll mentions the names of a number of voters with the surname Mahaldar. It also mentions a number of voters with the surname Mandal. In such circumstances, absence of their (P.Ws. 7 and 34) names in the electoral roll is doubtless indicative of the fact that they were really not voters in this election.

22. In spite of the above fact that they (P.Ws. 7 and 34) were not voters at that time it is somewhat surprising to find them stating that on the polling day when they were going together to their common polling booth to cast their vote they were met on the way by Lakhan Jaiswal and others who forced them to return home without exercising their franchise. It is not easy to believe that though they were not voters the above persons had taken into their hand to take the trouble of stopping them from proceeding to the booth. If without being voters they were trying to reach the booth which must be with the obvious object of doing bogus voting there I am doubtful if the alleged prevention of them from reaching the booth, if it was so, could be treated as an act of undue influence within the meaning of section 123 of the Act. Moreover, difference in their evidence in the manner of alleged restraint is also noticeable. According to P.W. 7 Bhalay Singh, while they were so going to the booth they met Lakhan Jaiswal and others on the way who asked them not to proceed further on threat of assault by gun which they were carrying, on which they returned home. His (P.W. 7) further statement is that all those persons had asked them to cast vote in *Dibia* which in the next breath he changed to *Deepak Dibia*. The evidence of P.W. 34 Maheshwar Mandal on this point, however, is that when on the way they met Lakhan Jaiswal and others the latter enquired from them where they were going and on being told that they were going to the booth to cast their vote they asked them to exercise their franchise for the candidate of the Deepak symbol and when they (voters) told them that they would decide about it after reaching the polling booth and could not say about it earlier, these persons asked them to get back threatening to shoot them with the gun unless they got back and under that threat they did not proceed further but returned back. This Lakhan Lal Jaiswal (R.W. 35) has emphatically denied such prevention against voting. According to him, at the time of poll he had actually seen this Maheshwar Mandal along with Kamleshwar Mandal at the polling booth bringing voters and getting their votes cast. His further statement is that both these Mandals are workers of the Communist Party and in this Parliamentary election they were working for the Congress Party candidate Shri Sita Ram Keshri.

23. Leaving aside the evidence of above three witnesses of the petitioner, namely, P.Ws. 7, 19 and 34, who, as shown above, have been noticed to be not voters in this Parliamentary election, the voters concerned, whom the petitioner has examined to say that during this election they had been forcibly debarred by the workers of the Jan Sangh Party from casting their votes at the polling booths are P.Ws. 2, 5, 10, 12, 14, 17, 20, 22, 23, 24 26, 28 and 35. As already observed they are from 8 villages named above. To refuse their evidence in this behalf the respondent, besides himself (R.W. 50), has also examined a number of witnesses from those village and they are R.Ws. 2, 3, 4, 6, 12, 19, 22, 23, 25, 27, 29, 30, 32, 35, 36, 43, 44 and 47.

24. The evidence of these voter witnesses (P.Ws) are more or less on the same lines. They have alleged that on the poll day while they were proceeding to their respective polling booths to cast their votes, on the way they were intercepted by several persons, whom they have named alleging them to be either workers or connected with the Jan Sangh Party, and as a result thereof they had to go get back home without exercising their franchise. On the other hand, in their evidence the above respondent's witnesses examined in this connection have emphatically refuted these statements of petitioner's witnesses. They have averred that there was never any such disturbance at

those booths and the polling was all through free and fair so that every voter who wanted to vote did cast his vote in the normal course. Except the bald statement of these witnesses (P.Ws.) alleging denial of their electoral right due to such interference by respondent's men and workers which statements, as already served, have been emphatically denied by the above several witnesses examined for the respondent, there is no other corroborating material in its support. On the reverse, the respondent has brought before the Court documents of unimpeachable nature which smash the petitioner's allegations in this regard.

25. The above documents are the marked electoral rolls (Ext. G series) of the concerned polling stations. These electoral rolls were called for from the office of the District Magistrate, who was admittedly the Returning Officer of this Parliamentary election, in Court's order No. 25 dated 20th January, 1972 on respondent's petition filed on 19th January, 1972. The District Magistrate, in pursuance to Court's requisition in this behalf, sent these documents along with others through a special messenger in sealed cover with his letter dated 28th January, 1972. Here they were taken out from those sealed covers in presence of the parties, who, on their request, also inspected them. Under rules 46, 47 and 93 of the Conduct of Elections Rules, 1961 these electoral rolls were to be kept in the custody of the election authority in sealed covers as confidential papers and could not be inspected except under the orders of the Court or Election Commission. On the facts, no doubt can be entertained regarding their genuineness. There is no such allegation that while in custody of the district election authorities there they were in any way tampered with. As already said they were in that competent custody in sealed cover since after the poll and have been sent to this court under that condition and then opened and inspected by the two sides in presence of each other. In such circumstances, the absence of the concerned Presiding Officers to prove them in Court is not material and cannot in any way militate against their authenticity.

26. From the relevant entries in the marked electoral roll (Ext. G/7) of village Dhrubganj it appears that both of the above voters, namely, Saheed Ansari and Amanat Ali (P.Ws. 2 and 5) had cast their votes (*vide* serial Nos. 1187 and 1026 -part 5). Not only they but as the entries in serial Nos. 1027, 1189, 1190 and 1192 show, the wife of Amanat Ali (P.W. 5) and the two brothers and brother's wife of Saheed Ansari (P.W. 2) had also voted. The entry in serial No. 1188 relate to the wife of Saheed Ansari (P.W. 2) and as it stands, it shows non-casting of her vote.

27. Exts. G and G/2 are of village Bihpur. The petitioner's witnesses of this place are Taiyab Ali son of Azmat Ali (P.W.26) and Mahanth Rai son of Singheshwar Rai (P.W.28). Though there is no voter of the name of Taiyab son of Azmat Ali in these rolls but there is one voter Taiyab Ali son of Nazir Ali (serial No. 2541 part 18—Ext.G) and this voter had cast his vote. So even if above P.W.26 is taken to be this voter, though his parentage does not tally still it is clear that he had cast his vote. The serial No. 1792—part 19 of Ext. G/2 shows that he (P.W.28) had cast his vote. Not only he but the votes of his wife, brother's wife and brother (*vide* serial Nos. 1793, 1796 and 1797) were also cast. This document further shows that though serial Nos. 1794, 1795 and 1798 related to him (P.W.28) as mother, another brother and wife of the above brother Ramdeo Rai, but they were not cast.

28. For village Jhandapur the electoral roll (Ext. G/5) shows that both the concerned voters, namely, Tajuddin and Maqbool (P.Ws. 22 and 24) had cast their votes (*Vide* serial Nos. 194 and 252—part 25). It further appears that serial Nos. 189 to 193 were voters of the family of Tajuddin (P.W.22) and of them there was no casting of vote of serial Nos. 189, 191 and 193 and the rest had cast their votes. Similarly, in the case of Mawbool (P.W.24) two other

votes of his family had also been cast (*vide* serial Nos. 203 and 204). The entry in serial No. 719 (part 24) of Ext. G/8 shows that Kartik Sah (P.W.20) had cast his vote. Though serial Nos. 720 to 726 also relate to the members of his family but of them only two, namely serial Nos. 720 and 721 are shown to have voted and the rest had not voted. It is interesting to find that in the election petition the specific case of the petitioner regarding this voter (Kartik Sah) is that he had not voted having been prevented by respondent and his men along with others. The evidence of this witness (Kartik Sah) is that when he was proceeding to the polling booth to cast his vote he noticed stoppage of other voters by the respondent's men, whom he had named, seeing this he got afraid and returned home through another route. He has, however, said that at about 3 p.m. that very day he went to the polling booth and cast his vote without any hindrance.

29. From the electoral roll (Ext. G/1) relating to village Madrauni it appears that the concerned voter Kuwendra Thakur son of Manna Thakur (P.W.10) (vide serial No. 1046—part 28) had actually voted. Not only he had voted but four other members of his family (serial Nos. 1044, 1045, 1047 and 1049) had also voted. It also indicates non-voting of 2 other members of his family, namely, brothers' wives (serial Nos. 1048 and 1050).

30. In village Saidpur to which the electoral roll Ext. G/4 relates, it also appears that both the concerned voters, namely, Giro Singh and Jago Singh (P.Ws. 10 and 17) had cast their votes (*vide* serial Nos. 125 and 219—part 19). Giro Singh's wife had also voted (*vide* serial No. 126). As the Jago Singh, serial Nos. 220 to 225 relate to the other members of his family and as they stand, they show voting by his son, brother and two brothers' wives (serial Nos. 220, 222, 223 and 224) and non voting by his brother (serial No. 221), whose wife above serial No. 222 is, and mother (serial No. 225).

31. The electoral roll (Ext G/3) relates to village Gopalpur. This shows that the two voters concerned, namely, Buchi Harijan (P.W.14) and Ratan Harijan (P.W.23) have actually voted (vide serial Nos. 592 and 520—part 7). From this document it further appears that two other members of the family of this Buchi Harijan had also cast their votes (vide serial Nos. 591 and 593). It further records non-voting by Buchi's wife Hitni (serial No. 594). In the same way, in case of Rataj Harijan serial Nos. 520, 521, 522, 523, 525, 526, 528, and 531 relate to other members of his family. Of them, except serial Nos. 523 (brother's wife), 528 (another brother's wife) and 531 (mother) all are shown to have voted.

32. So far as village Naugaohhia is concerned, according to the respondent, he has not thought of bringing the electoral roll of that place in evidence because the only voter of this village examined by the petitioner on this allegation is P.W. 35 Jagarnath Prasad Singh and on his own admission he had gone to the polling booth that day some time later and cast his vote. In the election petition the specific case made out in respect of this voter is that like the other voters mentioned in schedule 2 he had not also been allowed to cast his vote in this election.

38. From the above discussions, it is manifest that three of the voters, namely P.Ws.7, 19, and 34, who were alleged to have been prevented by the respondent's men from casting their votes in this election were not voters at all. So the question of their failure to exercise their franchise having been prevented from doing so in the alleged manner could hardly arise. Even assuming for a moment for the sake of argument that they had been proceeding to the polling booth but were intercepted in the way

in that way, it is doubtful if their such intervention resulting in their non-reaching the booths could bring the matter within the mischief of section 123 of the Act.

34. As I have already shown by reference to the relevant entries in the above electoral rolls (Ext. G series) put in evidence by the respondent, all the other voters whom the petitioner has examined in Court to say that they had been debarred from exercising their electoral right on the poll day having been prevented by the supporters and workers of the Jan Sangh had actually cast their votes at their respective polling stations. Not only they, but many other members of their family had also done so. As already observed, among the members of their families many have been known to have cast their votes while the votes of others had remained uncast. This is no doubt a very strong circumstance in favour of the genuineness of those vote castings if the respondent and his men were out to get all these votes cast by practising impersonation, they were expected to do so in respect of all these voters and not to do so only in respect of some of them leaving the rest untackled. Moreover, it is the admitted case of the election petitioner that all these polling booths were duly manned by the polling agents during the poll. In such a situation any attempt of the other side to have those votes polled by voters other than genuine was bound to invite objection by those agents under rule 36 of the 1981 Elections Rules. There is, however, no such case that they had ever raised any objection challenging the identity of those voters at the time they were polling.

35. Admittedly, no complaint, written or oral, was ever lodged with any authority by any of these voters or any one on behalf of the petitioner complaining against their such prevention. Obviously these preventions were quite substantial and covered several booths. Accordingly, in normal course, if not these voters, at least the workers and agents of the petitioner of those places were expected to protest against those highhanded acts to the appropriate quarters instead of allowing it to remain unprotested.

36. The presence of adequate security arrangements in these areas at that time is also a circumstance against the probability of such interference with the voters. All the above 8 villages, namely, Dhrubganj, Gonarchak and six others fell within Bihpur and Gopalpur Assembly constituencies. Kanash Prasad (R.W.39) was posted at Naugachhia (within Bhagalpur district) at the time of this parliamentary election. His statement is that on the poll day (5-3-1971) he was deputed at Naugachhia police station as Magistrate incharge of the striking force consisting of one police officer and one section of armed force of one havildar and four police constables. His duty as the incharge of that force was to rush with the force on a jeep provided to them to the place wherefrom any disturbance was reported. He has further said that information of any disturbance in the area was to be communicated to him by the patrolling Magistrate patrolling in the areas. He has produced the District Election Order, 1971 (Ext. C) regarding the details of deputation of Magistrate with armed force for the different polling stations in the district of Bhagalpur. As he has pointed out, this document also contains the details of the static Magistrates with force as posted in those areas. He also produced in Court the route chart of the patrolling-cum-Collecting party of his area (Ext. D). As he disclosed, during this election in his area there were 78 polling booths of which 43 were in Gopalpur Assembly constituency and 35 in Bihpur Assembly Constituency. He (R.W. 39) has

clearly given out that in course of the whole polling on 5th March, 1971 he had not received any complaint from any Magistrate or the police officer or any body else regarding prevention of any voter from casting his vote at the polling booth in the entire area of which he was the incharge. It has been taken out in his cross-examination that in this Parliamentary election, as usual, they had arranged for posting of static force at all the places which were apprehended to be vulnerable on the experience of previous elections. Ratneshwar Prasad (R.W.40) was the police Inspector in the Circle consisting of 3 police stations, namely, Naugachhia, Gopalpur and Bihpur which are all connected by wireless since long. As he has given out, during this Parliamentary election, he was posted at Naugachhia on the Poll day and all his agencies like the rural police and intelligence were used to pass on the communication to him for their onward transmission to Superintendent of Police and above these, the District Magistrate. On 5th of March, 1971 he was on duty at Bihpur thana with headquarters at Bihpur. According to him, the police arrangements for the areas comprising Bihpur, Gopalpur and Naugachhia Police stations on these two dates (4th and 5th March) were one Company of Border Security Force consisting of about 100 armed force with a motor vehicle to control the area; one Company of Bihar Military Police consisting of 100 armed force, static armed force in similar units stationed at different polling booths, where troubles had been apprehended in earlier elections, in the charge of one magistrate, known as static Magistrate, and police officers; there were patrolling Magistrate assisted by smaller units of armed force on one motor vehicle either a truck or a jeep. Over and above these, the District Magistrate, Superintendent of police and the Sub-divisional Magistrate were also moving during the poll with headquarters at Naugachhia and their vehicles were fitted with wireless. As he has further said on 5th March, 1971, he along with Mr. R. A. Singh, Deputy Collector, had moved about in Bihpur police station area to supervise the functioning of the police arrangements in that area, to ensure peaceful and smooth polling. It has also been taken out from him that on 5th March 1971 at no time during the polling he had received any complaint by any subordinate or other officer or any voter or any worker of any of the political parties in his area regarding the prevention of any voter from casting his vote at his booth. Then there is the evidence of the Sub-divisional Magistrate (R.W. 51), who was then posted as such at Bhagalpur. As he has said, both these Assembly Constituencies, namely, Bihpur and Gopalpur fell, within his sub-division (Bhagalpur sadar) during this election as the Sub-divisional Magistrate he was incharge of general law and order and also other works assigned to him by the District Election Officer in connection with this election. His evidence further discloses that the deputation of armed force at several booths within these Assembly Constituencies incharge of a Magistrate besides, deputation of patrolling-cum-Ballot collecting parties, each of which covered 4 to 6 booths. His evidence also shows deputation of striking force at each of the concerned police stations of these two Assembly Constituencies and as a measure of further security they have posted one full company of the Border Security Force at the central point which was Naugachhia police station who were patrolling the areas under the charge of their Captain. Though he has expressed his inability to say the exact number of those Border Security Force in the absence of relevant papers but they were at least three truck loads and used to move about in the areas on three trucks. His evidence further is that each Magistrate of the patrolling parties had definite instructions to provide full security to the voters to enable them to cast their votes if there was any complaint regarding prevention in their voting and that on the poll day he was all along present at Naugachhia police station except for temporary

absence on tour in neighbouring areas and similarly the District Magistrate and the Superintendent of Police were also present at that police station on that day. All these evidence go to prove unmistakably that in these areas on the poll day there was very elaborate and adequate security arrangements. In view of the such tight and elaborate security arrangement the possibility of intervention with voters' electoral rights was bound to be bleak. If there was any such incident of prevention of voters it could have easily been brought to the notice of those security force. But there is nothing to show that there was ever any such complaint. This also to my mind is a circumstance against the truth of this allegation.

37. In the face of above convincing circumstances, the non-examination of many of the persons, as named, in schedule 2, who are alleged to have so prevented those voters, is not such a fact which can effectively come to the aid of the petitioner to substantiate his case on this point. Of these alleged preventers, the respondent has examined 7 (R. Ws. 19, 22, 30, 35, 36, 43, 44) besides himself (R.W. 50). It has been pointed out by reference to the respondent's list of witnesses dated 5th November, 1971 that out of those non-examined persons he had taken out summons for several of them, but has not cared to put them into the witness box without any reasonable excuse. On this basis it has been urged if the petitioner's case in this regard was untrue they would have surely come forward to deny this insinuation against them. It is difficult to accept this contention. If those persons had really indulged in such prevention of voters and were out to avoid Court the respondent would have also avoided even citing them as his witnesses much less taking out their summonses. This omission has been tried to be explained by the respondent's counsel who has urged that they had all been cited at the initial stage but when his client got hold of the electoral rolls which unmistakably proved that these voters had actually cast their votes then it was only natural for him to drop the idea of bringing them to the witness box to avoid incurring expenses because petitioner's allegation in this matter stood nailed by those electoral rolls which were the best evidence on this point. There seems substance in this argument. Merely because respondent has not brought all those persons into the witness box to deny the allegation of restraint of voters made against them can by itself be no proof of the truth of the petitioner case on this matter. The petitioner has, under law, himself to prove this point by cogent and convincing evidence but has failed to do so as will appear from my above discussions.

38. Of the aforesaid voters examined by the petitioner many of them are said to have come to debase falsely for the petitioner in this regard because they are connected with the Communist Party with whom the petitioner's Congress Party had electoral alliance in this parliamentary election, and the others are attached to the Congress Party either as its workers or supporters. The allegation of connection with the communist party has been made against P.Ws. 2, 5, 7, 12, 14, 17, 22, 26, 28 and 34. The witness of respondent about this matter are R.Ws. 2, 3, 4, 6, 10, 12, 13, 19, 23, 25, 27, 33, 35, 36, and 45. In his evidence the petitioner (P.W. 9) has no doubt denied the suggestion that in this Parliamentary election in Bihar his Congress Party had electoral alliance with the communist party and for that reason it had not set up its candidate in 5 seats against the candidates of the Communist Party. His admission, however, is that in this election his party had not set up any candidate in Patna Parliamentary constituency and that in Katihar Parliamentary constituency to which the instant election case relates there was no candidate of the Communist Party. He has also expressed his inability to say if the Congress Party had set up any candidate against the Communist Party candidate in Javanagar Parliamentary Constituency. All these seem to point out to some sort of electoral alliance or

adjustment between these two parties, namely, Congress and Communist in this Parliamentary election. With such a background, the possibility of these voters, attached to the Communist Party, coming to support the petitioner's case in this behalf because of their sympathy resulting from such electoral connection cannot be ruled out altogether.

39. Thus, on a careful consideration of the above facts and circumstances, it is manifest that the petitioner's allegation regarding prevention of these voters from casting their votes in this election as alleged has not been established, contrary to that, it has been proved on the evidence produced before this Court that they had actually exercised their franchise and cast their votes.

40. I would now take up the petitioner's case regarding the printing and distribution of above second leaflet (annexure 2 to the election petition). This leaflet has been marked Ext. 2/c and its press copy, as produced in Court by the Krishna Press Proprietor (P.W. 38) where it had been printed, has been marked Ext. 2/b. He (P.W. 38) has also produced its Press proof copy (Ext. 4) and the manuscript (Ext. F).

41. In the election petition this pamphlet (annexure 2) is alleged to have been printed, published and distributed by the respondent, his agents and workers with his consent along with the first pamphlet (annexure 1 to the election petition) on 4th March, 1971, a day proceeding the poll in the 13 villages mentioned in schedule 2 of the election petition. During hearing of this case its (annexure 2) distribution has, however, been confined to only three of those villages, namely, Dayalpur, Jhandapur, and Bharamarpur, all within Bihpur police station.

42. In his written statement the respondent's case about this leaflet is set out in paragraphs 12 to 15 the sum total of which appears to be his and his agents complete disassociation from its printing, publication and distribution. Being, perhaps, aware of the weakness of his such denial he also seems to have endeavoured in those paragraphs to make out a case that his clear direction to his agents and workers were not to publish any pamphlet without his consent and he did his best to prevent any such publication and if any unauthorised or overzealous person had got this pamphlet printed and distributed he could not in any way be held responsible for it because that must be deemed to have been done without his consent and in clear violation of his orders.

43. In view of respondent's above denial regarding the printing of this pamphlet (annexure 2) the petitioner obliged to bring into the witness box the proprietor of the Krishna Press (P.W. 38) where this pamphlet had been printed. He produced and proved in Court its manuscript (Ext. F) as also its proof and final print copy in the Press (Ext. 4 and 2/b). His evidence further disclosed that the order for printing 1000 copies of this leaflet was placed with this Press on 3rd March, 1971 by Jagdish Prasad Kejriwal of Bhartiya Jan Sangh Mandal Samiti, Naugachhia as per the order book entry (Ext. 3). Ext. 3/a has been proved to be the signature in his own pen of this Jagdish Prasad Kejriwal on this order book. He (P.W. 38) has further given out that after these leaflets were finally printed in the Press their delivery was taken out by this Jagdish Prasad Kejriwal on 4th March, 1971 who himself paid the printing charges to him (P.W. 38) at that very time, in cross-examination he (P.W. 38) stated that so far as he remembered this delivery was made to Jagdish Prasad Kejriwal on that day (4th March, 1971) at about 2 or 3 P.M. The trend of his (P.W. 38) cross-examination will show that the attempt of the respondent was to disprove his (P.W. 38) positive statement in chief that he had received this order from Jagdish Prasad Kejriwal of Bhartiya Jan Sangh Mandal Samiti, Naugachhia. But it did not succeed.

44. When the printing of this pamphlet (annexure 2) in the said Krishna Press was unmistakably established by its proprietor's (P.W. 38) evidence coupled with the aforesaid concerned documents, then the respondent presumably realised the hollowness of his such denial and changed over in evidence to admit its printing by his above party worker Jagdish Prasad Kejriwal but alleged that he has stopped its distribution and it was never distributed in public. His (respondent) evidence on this point does not, however, appear to be consistent and convincing as will appear from the subsequent discussions.

45. The above Jagdish Prasad Kejriwal has been examined as R.W. 42. He admits to be working for the Jan Sangh Party in this Parliamentary election. He has also admitted that he was incharge of the election office of the Jan Sangh Party at Naugachhia at the relevant time. He (R.W. 42) has admitted the above manuscript (Ext. F) to be in his pen and also his above signature (Ext. 3/a) in the order book of the Krishna Press. He has, however, averred that after their printing he brought them to his election office at Naugachhia but they were not distributed as per the direction of Lakan Lal Jaiswal because he (R.W. 42) had got them printed without his (Lakan Lal) prior order. While stating so, he (R.W. 42) has volunteered that being incharge of this election for the Jan Sangh Party no *parchas* were to be printed without his (Lakan Lal) prior permission. This Lakan Lal (R.W. 35) has admitted that in this Parliamentary election he was incharge as the *Pramukh* of the Jan Sangh election campaign in Gopalpur Assembly Constituency. He asserts that whatever election papers were printed on behalf of the Jan Sangh Party in this Parliamentary election in Gopalpur Assembly constituency they were printed under his instructions in the Krishna Press, Naugachhia for which he himself used to go to the Press and place orders over his signature. On being asked to go through the pamphlet (annexure 2—Ext. 2/c) and say if any such *parcha* had been printed in the Krishna Press under his orders for the Jan Sangh Party, he has given a negative answer after reading it. While admitting that he (R.W. 35) had seen pamphlet like this (Ext. 2/c) in his Jan Sangh office at Naugachhia having been brought there after printing in the Krishna Press by Jagdish Kejriwal, his statement is that seeing those *parchas* he asked Jagdish Kejriwal not to distribute them because they had not been printed under his orders whereafter they continued to be there without any publication or distribution.

46. In paragraph 20 of his evidence the respondent (R.W. 50) after having been made to read this pamphlet (Ext. 2/c) in court has stated that on 5th March 1971 after casting his vote in his village Narainpur at about 7-30 a.m. he left that place to go to other booths to inspect his election and in that course he reached Naugachhia at about 2 p.m. where in his election office he met its incharge Jagdish Kejriwal who showed him the printed pamphlet and while producing them he (Jagdish Kejriwal) informed him (R.W. 50) that he was sorry that he had got them printed without consulting him and that Lakan Lal had stopped their distribution saying that the election was to take place the next day when matters regarding poll would have to be decided and acted upon and as such there was no need to distribute them. In paragraph 15 he (R.W. 50) has said that in this election his specific instruction to all persons incharge of his election offices in the Assembly Constituencies was that they must not get any pamphlet printed or published without his (R.W. 50) instruction. In paragraph 43 he (R.W. 50) has admitted that his instruction that no pamphlet of his would be printed and distributed without his prior consent was strictly followed by all concerned. While admitting this he has no doubt volunteered that since Jagdish Kejriwal had got this *parcha* printed without his consent its distribution was stopped.

47. In the evidence of R.Ws. 35 and 50 on this point, as referred to above, inconsistency is clearly discernible. According to the first (R.W.35), all the election papers which included pamphlets were required to be printed under his instructions and he had to stop the distribution of this pamphlet, even though his admitted worker Jagdish Kejriwal had already got them printed and brought to his election office at Naugachhia, because they had not been printed under his (R.W. 35) orders, while according to latter (R.W. 50) no election pamphlet was to be printed on his side without his (R.W. 50) specific prior consent and instruction and the reason as disclosed by Jagdish Kejriwal to him (R.W. 50) for Lakan (R.W. 35) stopping its distribution was because the poll was to take place next day when matters relating to it would have to be decided and acted upon.

43. From the above analysis of evidence it is apparent that the respondent's case about pamphlet (annexure 2) has not been consistent, both as regards the printing and distribution. It is also not easy to swallow his averment, made for the first time in Court, that though they had been printed after incurring expenditure their distribution was banned simply because they had not been printed with respondent's prior permission. If there was really any condition precedent that no pamphlet should be printed without the prior consent and orders of either the respondent (R.W. 50) or his election *Pramukh* (R.W. 35), Jagdish Kejriwal (R.W. 42) who was much below in the hierarchy being only incharge of his election office at Naugachhia, would have never dared to have them printed on his own which obviously involved expenses also. In such a situation the irresistible conclusion is this pamphlet purporting to be issued on behalf of the Jan Sangh publicity department (Prachar Vibhag) had the necessary sanction not only of respondent's admitted election *Pramukh* (R.W. 35) but also of the respondent (R.W. 50) in its printing.

49. Regard being had to the fact that this pamphlet was printed and taken delivery of by his admitted worker (R.W. 42) after paying its necessary charges on 4th March, 1971 (order for its printing having been placed on 3rd March, 1971) the presumption that they were meant for distribution among the voters is inescapable. It is idle to think that the respondent and his men after getting them printed by spending money would allow them to remain stacked in their Naugachhia election office and not to reach the voters for whom they were meant. Its printing order was placed on 3rd March, 1971 and delivery taken on the very next day i.e., 4th March, 1971. This also proves their earnestness in this matter. As already observed the election petitioner, during his evidence in Court, has confined its distribution to only three villages, Dayalpur, Jhandapur and Bharamarpur, all within the same police station (Bihpur). It has been urged for the respondent that from the unchallenged statement of the respondent (R.W. 50) it would appear that village Bharamarpur is 24 miles from Naugachhia and the distance between Jhandapur and Bharamarpur is six miles, and as admitted by the Press proprietor (P.W. 38), he had given delivery of these printed leaflets on 4th March, 1971 at about 2 or 3 P.M. at Naugachhia. In the background of these facts accordingly to learned respondent's counsel, how the respondent could be expected to think in terms of their distribution in the above far flung villages when there was nothing in them to show that they were exclusively meant for the voters in that area and the facts mentioned therein were of general nature. According to him, if these pamphlets were to be distributed then the distribution should have, in ordinary course, been done first at Naugachhia and also in the intervening 25-30 villages (*vide* P.W. 50, paragraph 9) instead of bypassing them. In this connection he has also invited my attention to the election result sheet (Ext. H) where the number of votes secured by the petitioner and the respondent in Bihpur Assembly constituency has been shown as 13,789 and 28,365,

respectively. According to learned counsel, as those voting figures will show, respondent's position was very secure in Bihpur Assembly constituency (there is no dispute that villages Dayalpur, Jhandapur and Bharamarpur lay within this Assembly constituency), and, as such, there was no need for the respondent to take the trouble of getting any such appeal made to the voters of these three villages and that also just on the proceeding evening of the poll (according to the petitioner's evidence their distribution time at Jhandapur was 6 to 7 P.M. Bharamarpur at about 8 P.M. and no time has been given regarding Dayalpur).

50. Though the above argument of the respondent may appear somewhat attractive on the face of it but they are hardly sufficient to discard the petitioner's specific case of such distribution in proof of which he has led positive evidence by examining witnesses of those villages pledging oath that they had seen such distribution of the pamphlet by the respondent and his men and had actually received pamphlets on those occasions. Merely because the respondent has received more votes than the petitioner in this Assembly constituency can be no guarantee of its non-distribution in those places. In fact, the result sheet does not show as to what were the votes secured by the respondent in these three villages and his above votes were for the entire constituency consisting of many more villages. It may be that he did not feel fully secure in those villages and that is why he felt the necessity of such last minute's appeal to the voters there. Since these pamphlets were only 1000 in number and they needed their distribution in these 3 villages they had to omit Naugachhia and the above 25-30 intermediary villages because their attempt to cover them would have hardly left with them any pamphlet to be distributed in those 3 villages. Moreover, candidates in election decide their strategy in such matter according to the situation of their assessment. It is probable that the respondent had felt the necessity of such pamphlets in those villages more than the others and, therefore, taken to it. So, his mere omission of the several villages falling in between the two, namely Naugachhia and the above three villages is not to my mind such a compelling circumstances to disbelieve the petitioner's case in this regard when it is found otherwise proved by evidence and circumstances of convincing nature.

51. With regard to village Dayalpur the petitioner's witness regarding distribution of this pamphlet (annexure 2) is P.W.13 (Sadanand Thakur) who is a resident of this village. His evidence is that he (P.W. 13) had learnt from Jamuna Prasad Singh of his village about the arrival of Gyaneshwar Prasad Yadav (respondent) on 4th March, 1971 to this village. He has further stated that during these talks Jamuna Prasad Singh had also disclosed to him (P.W. 13) that on that occasion Gyaneshwar Prasad Yadav, after doing some *prachar*, distributed *parchas* and went away, and that while disclosing these things he (Jamuna Prasad Singh) had shown him (P.W.13) one *parcha* of white colour which he (P.W. 13) took from him and kept it with him after reading it and 3 to 4 days later he (P.W.13) made over that *parcha* to Sita Ram Keshri (Petitioner) when he met him in the Congress Office at Bihpur on his (P.W.13) assertion that if any such *parcha* is shown to him he can recall its contents. He was asked to read this *parcha* (annexure 2) in Court which he did and then stated that this *parcha* was identical with the above *parcha* that he had taken from Jamuna Prasad Singh and later passed on to the petitioner. The petitioner (P.W. 39) has corroborated him (P.W. 13) on the above point of his (P.W. 13) making over the pamphlet to him (P.W. 39) at Bihpur. As he (P.W. 39) has stated, he had received the pamphlet from Sadanand Thakur of village Dayalpur 3-4 days after the poll at Bihpur Khadi Bhandar. Evidence has also been led to the effect that the petitioner after having received it in that way subsequently enclosed it (annexure 2) with the election petition. No

doubt, the petitioner has not brought into witness box the above Jamuna Prasad Singh to state about this matter. It, however appears from petitioner's list of witnesses, dated 13th September, 1971, that he had cited him (Jamuna Prasad Singh) as his witness (serial No. 34) and had taken out his summons for 20th January, 1972. According to the petitioner, these facts should prove his genuineness on this point because if his case about this Jamuna Singh was fabricated he would never taken the risk of citing him as his witness and taken out his summons. In his counsel's view it may be that the petitioner had subsequently got materials to suspect his (Jamuna Singh) bona fide as his witness and had, therefore, decided not to take the risk of putting him into the witness box last he made statement to damage his case. While conceding that even in that contingency the remedy of cross-examining him after declaring him hostile was there, but all the same the risk was not worth taking specially when he had produced before the Court other evidence of reliable nature to establish this point.

52. In examination of his (P.W. 13) evidence on this point does not disclose anything worth notice on whose basis his testimony can be regarded as unworthy of credence. He has been frank enough to admit that he is a member of the Congress Party of which this petitioner was the candidate in this election. He has further admitted that in this election he was canvassing for the Congress candidate and had also worked as his counting agent in Bihpur Assembly segment. His further admission is that on 4th March 1971 on which these pamphlets were distributed in his village he was not there but had gone to his relation in another village Jairampur and that he had not personally seen this distribution. If he (P.W. 13) was out to depose falsely in this matter he could have well tried to present himself as an eye witness instead of admitting to have learnt about it from another person. His averment in this respect seems to get corroboration from the physical presentation of this pamphlet (annexure 2) which according to him he had made over to the petitioner 3-4 days later which has also been testified by the petitioner. As already pointed out, the specific case of the respondent is that those pamphlets after printing continued to remain in his Naugachhia election office and he (respondent) had totally banned their distribution. There is no such case of the respondent that at least one of those pamphlets had gone out of his election office in the public. If that was true then it is not understandable as to how this pamphlet (annexure 2) came into the hands of the above witness (P.W. 13) who made it over to the petitioner later. There is no such case, not even a suggestion, that the petitioner had managed to procure it (annexure 2) surreptitiously from the respondent's election office at Naugachhia so as to annex it with his election petition. In his (P.W. 13) cross-examination, suggestion has been thrown out, which he has denied, that after getting defeated in this election the petitioner's party had manufactured this pamphlet (annexure 2) for the purpose of this election case. There is, however, no such allegation in the written statement. Even in respondent's evidence no such case has been attempted, and, on the other hand, the printing of these pamphlets by his admitted incharge of Naugachhia election office (R.W. 42) has been clearly admitted with this rider that they were never distributed but preserved in that office.

53. To counteract the above evidence of the petitioner regarding distribution of this pamphlet in village Dayalpur, the respondent has examined two witnesses of this village. Nawal Kishore Mishra and Lal Mohan Jha (R.W. 48 and 49), besides his (respondent—R.W. 50) own denial regarding its such distribution by him or his men. Both these persons (R.Ws. 48 and 49) who are students have stated that on 4th March 1971 they were in their village all along as their colleges were closed for election and they

had never noticed Gyaneshwar Prasad Yadav having ever arrived there and distributed pamphlets like it (annexure 2) which they (R.W. 48 and 49) were made to read in the Court. I, however, feel greatly hesitant to rely upon these statements in the face of the aforesaid petitioner's evidence supported by circumstance which go to show its such distribution in this village, as alleged.

54. As regards village Jhandapur, the petitioner's witnesses are P.W. 16 (Adhik Lal Choudhary), P.W. 20 (Kartik Sah) and P.W. 31 (Kapindra Narain Singh). P.Ws. 16 and 20 belong to village Jhandapur whereas P.W. 31 is of village Kaharpur, which is six miles from village Jhandapur. He (P.W. 31) has, however, said that the market (Bazar) of his village is Jhandapur Bazar. All these persons have deposed that on 4th March 1971 between 6-7 P.M. they had noticed the arrival of Gyaneshwar Prasad Yadav, on a jeep, accompanied with some other persons, whom they have not named, in Jhandapur Bazar and distribution by them of pamphlets like annexure 2. They have further said that in course of that distribution they had also received one such pamphlet which they had read. In Court they were made to read the pamphlet (annexure 2) and then they said that it was identical with the above pamphlet which they had received during that distribution by Gyaneshwar Prasad Yadav and his party.

55. I have carefully scrutinised the evidence of the above three persons (P.W. 16, 20 and 31) and find no good reason to discredit the testimony of two of these, namely, P.Ws. 16 and 20. There is no material in their evidence to prove their deep interest in the petitioner so as to take the risk of deposing falsely for him. They have assigned reason for the non-preservation of these pamphlets which they assert to have received on that occasion, and there seems no absurdity in it. According to P.W. 16, he had brought that pamphlet with him out on that very day his children took it away. According to P.W. 20, after he had received it he simply read its contents but dropped it at that very place without carrying to maintain it. Such a treatment of much election leaflets by their receivers is not very unnatural.

56. As to the evidence of P.W. 31, in view of his certain admissions I do not feel absolutely convinced about its truthful nature. As already observed, he comes from a village (Kaharpur) which is six miles from the village of pamphlet distribution (Jhandapur). While asserting that his market is Jhandapur Bazar he has admitted that he does not visit this bazar daily. It was thus a chance that he was in this bazar on 4th March 1971 when he is said to have got the pamphlet. According to his own admission he had completed all his purchases in the bazar that day by about 5 P.M. It is then not fully understood that as to what made him to delay his stay in the bazar till about 6-30 or 7 P.M. The normal reaction of a man in his position having had to cover a distance of six miles to return home would have been to leave it early and not till the evening set in. He has also admitted that about 3 or 4 months before his deposition here he had contested the Panchayat Samiti Co-operative election against this respondent Gyaneshwar Prasad Yadav and lost it by one vote. His mind, therefore, cannot be treated as free from bias against him (respondent). Though in his examination-in-chief after going through the contents of annexure 2, he unequivocally gave out that the above pamphlet which he had received from Gyaneshwar Prasad Yadav on 4th March 1971 was identical with it (annexure 2), but in cross-examination when he was asked to say the contents of annexure 2 which he had just read he said something which had no connection with its (annexure 2) contents. Here its (annexure 2) contents as given out by him, are "Chunao abhi tsilve Karaya jisse ki garib janata ko thagne ke "vo chunao ghosana patra nikala had", which have no relevance with its actual contents.

57. Even after discarding the evidence of P.W.31, the petitioner is left with the testimony of the above two witnesses (P.Ws. 16 and 20) on this point which as I have already observed, there is no good reason to discredit. Against this, the respondent has examined five persons (R.Ws.6, 10, 29, 32, and 33) of village Jhandapur besides himself (R.W.50). Besides the denial of respondent (R.W.50) regarding his presence alone or with any one else for distribution of any such pamphlet in this village on 4th March 1971 they (R.Ws.6, 10, 29, 32 and 33) have also refuted the distribution of any such pamphlet there asserting that they had all along been in the village on that day and had never witnessed the arrival of respondent's party nor distribution of any such pamphlet. Having accepted the testimony of above witnesses (R.Ws.16 and 20) testifying to its such distribution I find myself unable to regard the evidence of these witnesses of the respondent as fully convincing and truthful. Merely because they are five in number against petitioner's two can be no ground for relying upon their (R.Ws.) testimony in this behalf, a view canvassed for the respondent, because it is not the quantity but the quality which matters in assessing the evidence.

58. Coming to village Bhamarpur, petitioner's witnesses are P.W.25 (Abhinandan Jha.) 27 (Ramdeo Mandal) and 30 (Gorey Lal Jha). According to P.W. 25, on 4th March 1971 he had met Gyaneshwar Prasad Yadav in his village at about 8 pm. when he had come there on a jeep accompanied with 7 other persons which included one Balkrishna Jha of his (P.W.25) village. His further statement is that as soon as the jeep stopped in front of the shop of Digember Jha, where a petromax was burning as usual, Gyaneshwar Prasad Yadav and Balkrishna Jha got down from the jeep and the latter began to distribute pamphlet of which one he (P.W.25) had also received from the hands of Balkrishna Jha. He has also said that after receiving that pamphlet he went through its contents; it bore Jan Sangh's Deepak symbol and was entitled "Chunao nahi aandhi hai Doshi Indira Gandhi hai". He has also stated that among the persons of his village who had also received pamphlet from them during that distribution were Dharnidhar Jha, Kalanand Jha, Ramdeo Mandal, Gorey Lal Jha and several others whose names he does not remember. He has said that he lost that pamphlet which he had received from Balkrishna Jha after 2-3 days. On being shown annexure 2 he has averred that it is identical with the above pamphlet which he had received from Balkrishna Jha. Of the above named persons, Ramdeo Mandal and Gorey Lal Jha have come forward to testify on oath regarding such distribution by Gyaneshwar Prasad Yadav and his party on that occasion. According to P.W.27 (Ramdeo Mandal), after receiving the pamphlet which was of white colour on that occasion he passed it on to Dharnidhar Jha because he (P.W.27) is illiterate and he (Dharnidhar Jha) read it over to him. His further statement is that at that place Abhinandan Jha, Kalanand Jha and Gorey Lal Jha were there and they had also received pamphlets like him. His further statement is that after he had got that pamphlet read over by Dharnidhar Jha he kept it with him but lost it after 5.7 days. As his (P.W.27) evidence on this point stands, it does not clearly connect that pamphlet of his with the pamphlet in question, i.e., annexure 2 to the election petition. On receiving his reply that he remembered the contents of that pamphlet he (P.W.27) was asked to say those contents and in reply he stated those contents to be "Ramayan ko Jalaiyo Murti par chappal chalaie", which are nowhere mentioned in annexure 2 (vide his statements in chief). In the face of this anomaly, the petitioner's counsel did not pursue the matter further with him on this point. Moreover, the above Dharnidhar Jha, through whom he (P.W.

27) admits to have got that Pamphlet read after receiving it because he (P.W.27) is himself completely illiterate, has not come forward to corroborate him (P.W.27) on this point. His evidence, in the circumstances, does not appear to be really helpful to prove that his that alleged pamphlet actually tailed with annexure 2. It, however, shows that there was distribution of pamphlets of white colour at that time by Gyaneshwar Prasad Yadav and his party because his statement to this effect does not appear to have been smashed in his cross-examination. Similar seems to be the case with the petitioner's other witness on this point who is above Gorey Lal Jha (P.W.30). He is also illiterate. As his statement is, on the day preceding the poll day at about 8 a.m. he had seen Gyaneshwar Prasad Yadav arriving on a jeep to his village with 7 other persons of whom he recognised Balkrishna Jha and that he (Balkrishna Jha) began to distribute pamphlets in presence of Gyaneshwar Prasad Yadav. He (P.W.30) has admitted that all that he had seen at that time was the distribution of those pamphlets by that party though there is nothing in his evidence to connect those pamphlets whose distribution he asserts to have witnessed at that time with annexure 2, but his evidence about such distribution of pamphlets on that occasion cannot be said to have been shaken in the answers given in his cross-examination. In cross-examination it has been taken from him that after having received one of those pamphlets he had passed it on to Dharnidhar Jha, himself being illiterate, and Dharnidhar Jha read its contents which he heard and they were to the effect "Ramayan ko jalaya jaye aur Indira hawa hai ki kya hai—yahi sab tha" and it did not have any other contents. Being quite illiterate such an answer from him about its contents after a lapse of almost a year cannot be said to be an absurdity. His unshaken statement about the fact of the arrival of this party and distribution of the pamphlets, white in colour, is, however there.

59. So far as the above Balkrishna Jha is concerned, he has been examined as R.W.8. He has admitted that in this Parliamentary election he was canvassing votes for the Jan Sangh Party candidate Gyaneshwar Prasad Yadav in his village and he had also worked as his polling agent (vide polling agent form Ext. 7). Regard being had to their such relation in this parliamentary election his (R.W.8) accompanying Gyaneshwar Prasad Yadav in distribution of pamphlets, which was also to be regarded as his election work, cannot be wholly overruled. No doubt, he (R.W.8) has said that on 4th March 1971, the day preceding the poll, he was all along confined to his house in his village and did not go out of his village even for a moment that day because the election propaganda had already ended under the rules. I, however, feel hesitant to rely upon the truth of his such alleged confinement inside his house on that day because when he was admittedly making propaganda and canvassing votes in his village for the Jan Sangh party candidate it was only natural for him to continue that process with equal, if not more, vigour just to the eve of the poll instead of sitting tight in his house the whole of that day. I do not think there was any bar under election rules stopping him from going round in his village even on that day to canvass support for his candidate without making any demonstration about it. As he was (R.W.8) admittedly the worker and supporter of this candidate in his village (Bhamarpur), if he (candidate) was to visit this village on the day (4-3-1971) his presence with him was not only natural but very probable.

60. The other witnesses examined for the respondent of this village (Bhamarpur) are R.Ws. 1, 5, 7, 9, 11, 14 besides the respondent (R.W. 50). He (R.W. 50) has denied to have visited this village Bhamarpur or any

of the aforesaid the villages, Jhandapur and Dayalpur, at any time on 4th March, 1971, either alone or in the company of any one else and distributed or got distributed any pamphlet there. They (R.Ws. 1, 5, 7, 9, 11, and 14) have stated that on 4th March, 1971 they were all along in their village (Bhamarpur) and had never noticed the arrival of Gyaneshwar Prasad Yadav alone or with others. They have also denied the distribution of any pamphlet in their village on that day by Gyaneshwar Prasad Yadav or any one on his behalf. It has been pointed out, of these witnesses R.W. 1 is an advocate while R.W. 5 is the Headmaster of a High School and R.W. 7 is a clerk in that school. R.W. 1 has admittedly working for the Jan Sangh candidate in this election. R.W. 5 has also admitted that this respondent is a member of the Managing Committee of his school. It has also been pointed out that R.W. 14 admits to be an accused in a dacoity case under section 395, Indian Penal Code, regarding the loot of a truck on highway. He (R.W. 14) has no doubt volunteered in this connection that he has been falsely implicated in this case by this respondent's political rival Arjun Mishra because of this election. I have already discussed the merit of the petitioner's positive evidence in the shape of the statements of some persons who have testified on oath to have seen with their own eyes the distribution of such pamphlets on that day (4-3-1971) in this village (Bhamarpur) and accepted it as true having considered them in the background of the other circumstances relevant on the point. In that context I am not inclined to accept these denials of general nature as made by these witnesses, to falsify the story of distribution of such pamphlets, as alleged, and proved by evidence worth reliance.

61. Thus having carefully considered all the evidence and circumstances on record on this point I have no hesitation in holding that the pamphlets like annexure 2 had been printed, published and distributed in these villages, namely, Dayalpur, Jhandapur and Bhamarpur on the preceding day of the poll, i.e., on 4th March, 1971 in the manner alleged by the petitioner and the respondent's denial of their distribution as such is not worthy of credence.

62. The question that arises then is whether such printing and distribution constituted a corrupt practice within section 123 of the Act. According to Mr. Thakur Prasad, learned counsel for the respondent, by no stretch of imagination the contents of this pamphlet (annexure 2) could be construed to be an appeal by the candidate, his agent, or worker with his consent to the voters to vote or refrain from voting on the ground of religion, race or caste. So also, there was nothing in it to make it in any way the promotion of or attempt to promote feelings of enmity or hatred between different classes of the citizens of India on the grounds of religion, race or cast on behalf of his client or his agent or any other person with his consent for the furtherance of the prospects of his election or to prejudicially effect the election of his opponent. On these facts, according to learned counsel, this pamphlet, even if it be assumed to have been published by his client and men, could not come under the mischief of either sub-section (3) or (3A) of this section. On the other hand, the argument of Mr. K. P. Verma, learned counsel for the petitioner, is that this pamphlet is clearly hit by sub-section (3) because the contents of its paragraphs 3, 7, and 9 when read individually or collectively manifestly meant to arouse the religious sentiments of Hindu voters for the purpose of securing their votes in his (respondent) favour against the petitioner.

63. It cannot be disputed that to find out the correct and true import of this pamphlet (annexure 2) to decide whether it attracts any of the provisions of section 123 or not its contents must be read as a whole and not in part here and there. To investigate this point, I think, it will be better to recite here the

pamphlet, as it stands. It is in Hindi in Devnagari script. Translated into English it will read:

"It is not an election but a storm for which Indira Gandhi is guilty.

1. Indira Gandhi has got this midterm election held one year before the schedule because in the month of March heavy taxation would have been made on the public resulting in price of daily necessities soaring sky high and then Indira Congress would have been liquidated.
2. The Indira Congress had managed to increase its seat in Kerala by entering into unholy alliance with Muslim League and Communist Party and being power mad she has forced election on the public.
3. The daily expense according to Government statistics on our country is Prime Minister Indira Gandhi is Rs. 25000 when the average income of an individual in the country is Rs. 15/- annas per day.
4. Indiraji filed the nomination paper of Shri Reddy as her party candidate but at the time of election she betrayed him.
5. In Madras she made alliance of her party and also mortgaged it to Dravida Munnetra Karzham party which had burnt Ramayan and showered chappals on the image of Ram.
6. She dishonoured India by sending its representative to the Rawat Muslim conference.
7. For making alliance with Muslim League and to secure votes she had taken the symbol of cow-calf.
8. During her regime she had got soil of Bengal be swered with blood and in the Ravindra Sarovar incident many mothers and sisters were molested.
9. She feels shy in calling herself srimati Feroz Gandhi and in order to deceive voters she calls herself a Hindu when in India domicile of every wife is that of her husband.
10. She had got a sum of Rs. 36 crores given to her son Sanjay Gandhi to manufacture baby car through bank nationalisation when in the country lac of engineers are unemployed and public are groaning under poverty.
11. She had realised election subscriptions from big industries and mill owners due to which clothes, medicines, salt, iron, paper, soap, etc. had got involved in Indira's high prices.
12. After making electoral alliance with communist she misled general public and is making the country look to Russia and China (in this Kathiawar Parliamentary constituency the agents of Communists using red flags are roaming about and doing tourism for Indira Congress).

1. Hence it is appealed to the voters that they should make Shri Gyaneshwar Prasad Yadav who is a young farmer candidate representing the Nationalist Party and Democratic Front victorious in this election by affixing their election seal on his Deepak symbol.

Publicity Department
Bhartiya Jan Sangh

Deepak Symbol
Krishna Press
Naugachhia."

64. An examination of the above contents of the pamphlet will show that they were criticisms of the Congress Party and its leader Srimati Indira Gandhi. No doubt these criticisms were very bitter, and at places tended to be indecent but at no place it contains anything which can be construed as an appeal

by the respondent his agent or worker to vote for him or refrain from voting for his opponent on the ground of religion, race or caste. Similarly, there is nothing in this document purporting to be issued by publicity department of the respondent's party, which can be read as a promotion of or an attempt to promote feeling of enmity or hatred between classes of citizens of India on grounds of religion etc. by the respondent or his agent or worker for the furtherance of his prospects of election or to prejudicially affect the election of the other side. After having levelled its criticisms in the foregoing portions of the pamphlet against the Congress party and its leader an appeal in the end was made to the voters to exercise their franchise in favour of Gyaneshwar Prasad Yadav (respondent) who was described to be a young farmer candidate representing the Nationalist party and Democratic Front by which they obviously meant the Jan Sangh Party.

65. In its (annexure 2) paragraphs 5, 7 and 9 on which the petitioner has mainly relied to substantiate his contention that they clearly meant to arouse the religious sentiments of Hindu voters and by that means to capture their votes for the respondent, it is difficult to construe them as an appeal in the name of religion as to be hit by sub-section (3) or 3(A) of section 123. According to learned respondent's counsel, the allegations made in paragraphs 5 and 7 were mere statement of facts because it was well known that in this parliamentary election there was electoral alliance between the two parties, namely, Ruling Congress and the D.M.K. and it was also well known that in that State (Madras) some fanatic workers of the D.M.K. had burnt Ramayan and had also thrown shoes on the image of Ram which had led to great agitation in the public. So also, there was alliance between the Congress and the Muslim League in some States like Kerala etc. On these facts, the attention of the public to them by referring to them in this leaflet it cannot be said that they meant to secure Hindu votes by appealing to them in the name of religion as envisaged in this law. His submission further is that these criticisms of the Congress Party and its leader as also the other ones in this leaflet were purely political and had nothing to do with religion.

66. The election petitioner (P.W.39) has admitted that he has heard about political party of Madras known as Dravida Munnetra Kazhagam (DMK) and in the Parliament the members of that party sit with him. He has also admitted that in 1971 elections to Lok Sabha and Assembly in Madras State had been held at one and the same time and in that Assembly election the Congress party had not set up any candidate for election in that State and so also in that Lok Sabha election the D.M.K. had not set up any candidate at many of the seats in Madras. His admission further is that that step of the Congress not to set up any candidate in 1971 Assembly election in Madras was because of an electoral alliance with the D.M.K. He has also said that because of that electoral alliance it might be that D.M.K. had not contested the 10 Lok Sabha seats in Madras in 1971 and had left those seats for the Congress Party.

67. Referring to the statement of the petitioner (P.W.39) in paragraph 17 of his evidence that he does not know of any burning of the epic Ramayan or hurling of chappals on the image of Ram by the men of D.M.K. which, according to learned respondent's counsel, is only a feigned ignorance on his part, the counsel has argued that in fact there was such an incident in Madras in which some of the fanatic members belonging to the D.M.K. had burnt Ramayan and also hurled stones on the image of Ram which had led to severe agitation in that state and also vehement protests in northern India in general, because of their devotion to Ram and Ramayan, and it was only in that situation that those facts have been

mentioned in the leaflet (annexure 2) which was nothing but statement of facts meant to criticise the Congress and its leader for their alliance with such a reactionary party (D.M.K.) and it was never meant to be an appeal on the ground of religion urging the Hindu voters to exercise their franchise in favour of the respondent for that reason. According to counsel that fact of insult to Ram and Ramayan in that way in Madras by those fanatics had gained such notoriety and publicity in the country and had assumed the form of such serious law and order problem in that State that he would be justified in requesting the Court to take judicial notice of it.

68. As the statement on this point in the relevant paragraph (No. 5) of the concerned pamphlet (annexure 2) stands, it is manifest that it meant to criticise the leader of the Congress party for making alliance with D.M.K. It would, perhaps, be wrong to interpret this to be in any way a religious appeal to the Hindu voters to cast their votes for the Jan Sangh candidate on that account. While levelling the various criticisms against the Congress party in this pamphlet the Jan Sangh appears to have made mention of this fact also along with others as a part of their criticism of that party. As such, the petitioner's argument that this statement was nothing but a garbed appeal to the Hindu voters in the name of religion to dissuade them from voting for the petitioner and cast their votes in favour of the respondent for that reason, cannot be accepted.

69. While considering the question whether the election poster issued by Akali Dal candidate appealing to Sikh voters to cast their votes in favour of Panth candidate amounted to corrupt practice of appealing to voters on the ground of Sikh religion their Lordships of the Supreme Court in *Kular Singh v. Mukhtiar Singh* (A.I.R. 1965 Supreme Court 141) laid down the principles to be applied and to be borne in mind by courts in considering such documents in the following words: —

"In considering the question as to whether a particular appeal made by a candidate falls within the mischief of S.123(3) Courts should not be astute to read into the words used in the appeal anything more than can be attributed to them on its fair and reasonable construction. The principles which have to be applied in construing such a document as an election poster are well settled. The document must be read as a whole and its purport and effect determined in a fair, objective and reasonable manner. In reading such documents, it would be unrealistic to ignore the fact that when election meetings are held and appeals are made by candidates of opposing political parties, the atmosphere is usually surcharged with partisan feelings and emotions and the use of hyperboles or exaggerated language, or the adoption of metaphors, and the extravagance of expression in attacking one another, are all a part of the game; and so; when the question about the effect of speeches delivered or pamphlets distributed at election meetings is argued in the cold atmosphere of a judicial chamber, some allowance must be made and the impugned speeches or pamphlets must be construed in that light. In doing so, however, it would be unreasonable to ignore the question as to what the effect of the said speech or pamphlet would be on the mind of the ordinary voter who attends such meetings and reads the pamphlets or hears the speeches.

In the case of *K. C. Sharma v. Krishan Pandit Rishab Kumar and others* (A.I.R. 1960 Madhya Pradesh 27) their Lordships held that an appeal to vote for the candidate to protect the mother-cow is not an appeal on the ground of religion and similarly an appeal

made to religious minded people generally, and not merely to the followers of a particular religion, to vote for the candidate to protect their religion is not appeal to vote on the ground of religion. In the case of *Ghayat Ali Khan v. Keshav Gupta* (A.I.R. 1959 Allahabad 284) their Lordships while considering the document concerned to find out whether it meant an appeal on the ground of religion held as follows:—

"Even if the appeal to the members of a particular community, it does not necessarily fall within the mischief of sub-sec (3) of sec. 123 of the Act, unless the appeal is made on the ground of religion or community. There may be cases where, in the grab of criticism of the acts or supposed acts of a political party, an attempt is made to make an appeal on the ground of religion. If such is found to be the case, the appeal may be held to fall within the mischief of S.123(3) of the Act. The contents of a particular document have, therefore, to be taken as a whole and, after a consideration of the entire document, a decision has to be arrived at whether the document contains merely criticism of the actions of a political party or it is really an appeal on ground of religion. Similarly, if a political party is criticised on the ground that it has a communal outlook and that its policy is to suppress the members of another community, for example the Jan Sangh, or the Muslim League and if it is stated that people should not vote for any of these communal organisations, because the essential policy of these organisations, is to further the ends of the Hindus or the Muslims, at the cost of the members of the other community, the appeal in such cases also would be to the members of the Hindu or the Muslim community, but it would not be on the ground of religion or community, but on the ground of the wrong policy of the particular organisation. This would be a criticism of the policy of the organisation and not an appeal to vote or to refrain from voting on the ground of religion or community. If the Legislature really meant to prohibit an appeal to a community, it could easily have said so, instead of saying on the ground of religion."

70. The Supreme Court decision in *Shubnath Deogam v. Ram Narain Pd. and others* (A. I. R. 1960 Supreme Court 148), relied upon by the petitioner to bring this pamphlet (annexure 2) within the ambit of section 123 (3) of the Act, does not to my mind appear to be effective for him. Their Lordships in that case construed the concerned leaflet, quoted *in extenso* in the judgment, and held the appeal made therein to be an appeal on the ground of religion in view of the fact that the leaflet was addressed to the electorate mainly consisting of Adivasis and was issued by the candidate's party consisting of Adivasis in the name of a cock which was the party's symbol in the election and which amongst the Adivasis formed very important integral part of religious ceremonies and it invoked wrath of the deities on the electorate in case they forgot the cock, that is, to forgot to vote for the party of which it was the symbol.

71. Thus on a careful consideration of all the above facts, I have no doubt in my mind that this pamphlet (annexure 2 to the election petition) was purely political in character and its contents meant to criticise the opposite political party, namely, Congress and its leader, and it did not contain any thing which could be treated, as an appeal on the ground of religion, race, caste etc. by the concerned candidates, namely, respondent or his agent or worker to secure votes for

him or to refrain from voting for the election petitioner for that reason. So also, nothing in it could be construed as a promotion or an attempt to promote feelings of enmity of hatred between different classes on grounds of religion, race etc. by the respondent, his agent or worker for the furtherance of the prospects of his election or to prejudicially affect the election of the petitioner. That being the position, it does not seem to attract any provision of section 123 and its printing, publication and distribution by the respondent and his men could not constitute a corrupt practice within the meaning of this section.

72. Then comes the question of the printing, publication and distribution of the other pamphlet, annexure 1 to the election petition which has since been tendered in evidence and marked Ext. 2/d. According to the election petitioner (P.W.39) he had received this pamphlet (Ext. 2/d) from Bhairo Singh (P.W.1) of village Telghi at Naugachhia Khadi Bhandar 2-3 days after the poll. As he (P.W.39) has stated, on that day when he was at Khadi Bhandar he met P.W.1 and enquired of him about the voting on which he (P.W.1) took out this pamphlet and passed it on to him saying that one day before the poll he had got it when Gyaneshwar Prasad Yadav and party were distributing such pamphlets in his village, and hearing this, he (P.W.39) kept this pamphlet with him and eventually enclosed it with the election petition. Two more copies of this pamphlet have been produced in Court by P.W.3 Arjun Singh of village Telghi and P. W. 9 Bashist Narain Singh of village Madrauni and they have been marked as Exts. 2 and 2/a. They assert to have got these pamphlet in their village while they were being distributed by the respondent and his party on the day preceding the poll, i. e., on 4. 3. 1971.

73. Though in schedule 1 of the election petition which purports to list the particulars regarding the distribution of the two pamphlets (annexure 1 and 2 to the election petition) it has not been specifically mentioned as to in which particular village or villages which of these pamphlets was distributed, but while leading evidence in Court in this regard, the petitioner's case about the distribution of annexure 1 has been confined to only six villages, namely, Telghi, Naugachhia, Pakra Madrauni, Gosaigaon and Saldpur (Telghi pertains to Bhipur Assembly Constituency) and the rest five all in Gopalpur Assembly Constituency.

74. As already observed, the respondent has emphatically denied the printing, publication and distribution of this pamphlet (annexure 1 by him or by his agents and workers. He asserts that he or his men had nothing to do with this pamphlet and he came to know about it for the first time after receiving summons in this case. He has alleged that as it appeared to him, after his defeat this pamphlet had been created and manufactured for the purpose of this election case from petitioner's side.

75. First I propose to take up the question of its (annexure 1) printing. According to its print line it was printed in Shri Gopal Press, Naugachhla-71. It was addressed to the public of Naugachhia and Gopalpur and purported to be an humble appeal to every person of those police stations possessing progressive views. When translated in English it reads thus:—

"To the people of Naugachhia and Gopalpur. Humble appeal to each and every person of this thana having progressive views.

(Deepk Symbol).

Gentlemen

(1) It goes without any dispute that the appealing policy of Indra Gandhi for the Communist and Muslims is dangerous and quite detrimental to the interest of the promising youngsters, middle class farmers, labourers, lawyers, teachers, doctors and professors.

(2) Even the different parties of the country having different views among the another have been compelled to raise a dreadful voice on the rising steps of Indira Gandhi cloaked as a dictator, on her being a day dreamer for becoming Devi Ji, Kali Ji, and on her i.e., on India's last Prime Minister's policy of dictatorship for land grab, crop grab, abduction of women, commission of dacoity even in the hours of evening and causing ruins to both rich and poor equally.

(3) During the regime of this Mahadevi the police incharge of law and order have become so inactive that holders of land are being killed in broad day light by beat of drum and their dead bodies are made traceless. In the case of a Hindu his most important last rites are his funeral rites.

(4) On the 1st March, 1971, Monday, Baba Baidyanath has given a command to his Sardar Panda that during the regime of Indira his devotees had to undergo great sufferings. So he should carry his message to the house of every devotee that they should vote by affixing seal on the Deepak symbol of the Jan Sangh Party the upholder of cow-brahmin religion. The family who will disobey his this direction will lose its every member within six months so that none will be left in that family to light a lamp therein. This message was the prediction for future of Baba Baidyanath.

(5) So every class of Naugachhia and Gopalpur is being humbly requested to make Gyandeshwar Yadav candidate of the country's saviour Jan Sangh victorious by a large majority of votes if they wanted to live a peaceful life as previously and to usher in real socialism.

We are the youngmen of
Naugachhia and Gopalpur."

76. According to Mr. K. P. Verma, learned counsel for the petitioner, paragraph 4 of this pamphlet attracts the provision of section 123(2)(ii) as it induces the electors to believe that they would be rendered an object of divine displeasure if they did not cast their votes in favour of the respondent who was the candidate of the Jan Sangh Party with Deepak symbol. He has further urged that its paragraph 3 is also hit by the provision of this section inasmuch as it was nothing but an appeal on the ground of religion to the Hindu voters to make them vote for the respondent on that account. So far as paragraph 3 is concerned I am unable to agree with his contention. It is difficult to construe its content as an appeal on the ground of religion or community to induce them to vote for him (respondent) or to refrain from voting for the petitioner. It meant to criticise the deteriorating law and order position alleging that land owners were being murdered in broad day light and their dead bodies were made traceless so that their last rites which were made important for Hindus could not be performed. Mr. Verma's view that the clear object in mentioning about these rites was to create religious hatred in the mind of Hindu voters and to dissuade them from exercising their franchise in favour of the petitioner who was the Congress candidate cannot prevail. This statement has got to be read in the context of the previous statement of this paragraph, and when this is read as a whole the statement in it including that relating to last rites would appear to be a case of political criticism of her regime in the matter of law and order by her opposing political party. As regards the statement in paragraph 4, it seems to be clearly hit by above sub-section (2) (ii) of section 123. Mr. Thakur Prasad, learned counsel for the respondent has also fairly conceded to this legal position regarding this matter. He has, however, seriously urged that since his client had nothing to do with the printing of this pamphlet, its publication or distribution with such a statement is of no consequence against him and his election cannot be interfered with on this account.

77. In paragraph 9 of the election petition the petitioner has alleged in a general way that the respondent had got this pamphlet printed through his agents and workers in Gopal Press, Naugachhia, just a day before the poll distributed them among the voters particularly of Naugachhia and Gopalpur Assembly constituencies which damaged the result and prospect of his (petitioner) election. For the first time in Court petitioner's witness Rasik Lal Modi (P.W. 36), who is said to be his only 'eye witness' on the point of its printing, has alleged in his evidence that on 4-3-1971 at about 9 a.m. Gyandeshwar Babu (respondent) had personally gone to Gopal Press along with him (P.W. 36) where he (respondent) paid the balance printing charge of Rs. 16/- and took delivery of these printed pamphlets 2000 in number. The value of this statement as also his (P.W. 36) other evidence, will, however, be examined later.

78. After filing of this election petition on 23-4-1971 the election petitioner called for the manuscript of this pamphlet, bill book, etc. (items 1, 2 and 3) from the Gopal Press, Naugachhia in his petition dated 13th September, 1971. On this petition the Gopal Press was noticed to file these documents in Court. In reply to that on 15th November, 1971. Vishwanath Lahiri, proprietor of this press, filed an affidavit stating that all these documents had been taken away by Shri Devendra Sharma who was the main worker of this petitioner Shri Sita Ram Keshri. It was further stated that this Devendra Sharma came to the Press nearly a month after the election and asked him (Press proprietor) whether Raghunandan Sao, Mukhiya had given any leaflet for publication and on being informed that a person who had given his name as Raghunandan Sao had given orders for printing pamphlet entitled Naugachhia or Gopalpur ke jantaon ke naam. Is thanha ke pratyek Paragatishheel Vichar Rakhe Walon se Namra Niveran" in the evening of 4-3-1971 but it could not be printed on the 5th March, 1971 due to machinery trouble and was printed on 6-3-1971 and delivery given to that Raghunandan Sao later on, he (Devendra Sharma) gave out that he wanted to file a case and so he took away all those documents from the Press promising to return them after the case had been filed; since he has not returned those documents he (Press proprietor) was unable to file them in Court. On these averments the Press proprietor requested the Court to exempt him from producing these documents because they were not in his possession. On 29-11-1971 the above Devendra Sharma filed his reply refuting the above allegations of the Press in its affidavit dated 15-11-1971 regarding his (Devendra Sharma) taking away those documents. He alleged that the Press proprietor was under the thumb and influence of the respondent and his party and had made those allegations against him (Devendra Sharma) in their collusion to create a false defence in this case. In paragraph 5 of this reply he alleged that this leaflet had been printed by and on behalf of the respondent before 5-3-1971 and as required by law the Press had forwarded a copy of this leaflet to the District Magistrate, Bhagalpur on 6-3-1971 which was received in that office on 6-3-1971 and on enquiry when he (Devendra Sharma) learnt that a copy of the leaflet was available in that office he (Devendra Sharma) obtained its certified copy, which he enclosed with this reply. In his reply while admitting that he (Devendra Sharma) was a worker of the petitioner, it was asserted that he was not his main worker in this election. Since this reply of Devendra Sharma contained certain allegation against the respondent the latter filed his rejoinder refuting those allegations made against him, in his rejoinder dated 6th December, 1971. In paragraph 4 of this rejoinder the respondent asserted that this leaflet had never seen the light of the day on 5th March 1971 or on any previous day and as respondent had learnt on enquiry, this leaflet was printed on 6th March 1971 after the polling was over on 5th March 1971.

79. There is nothing in the statement of the petitioner (P.W.39) to throw any direct light to support his allegation that this pamphlet (annexure 1) had been printed by the respondent, his agents or workers in Gopal Press on 4th March 1971. In fact, his evidence as it stands, appears to be almost of no significance so far it concerns his case of actual printing and distribution of this leaflet by the respondent and his men. Similarly, the evidence of above Devendra Sharma (P.W. 33), who had admittedly worked for the petitioner in this election and is doing necessary pairvi in this case on his behalf, is also not of any particular assistance in this behalf. He (P.W. 33) has stated that he had never been to Naugachhia either during this election or even after that. He has also admitted that even after being told regarding the printing and distribution of this pamphlet by the petitioner, that it had been printed at Gopal Press, Naugachhia and that he (P.W. 33) should try to ascertain about it, he did not go to that press. As his evidence stands as a whole, it is manifest that he has no personal knowledge as to who had got this pamphlet printed in Gopal Press and when.

80. As already observed, in his above reply affidavit dated 29th November, 1971 he (Devendra Sharma P.W. 33) has alleged that proprietor of the Gopal Press had made allegations against him regarding the taking away of those Press papers on the plea that he had to file an election case because he (Press proprietor) was under the thumb and influence of the respondent and his party, and had made those allegations in their collusion to create a false defence in this case. In cross-examination, he (P.W. 33) has admitted that the basis of his, this allegation against the Press was only because in his aforesaid affidavit the Press proprietor had made insinuation against him (P.W. 33) regarding his taking away of those papers and that was why he (P.W. 33) had presumed that he was under the influence of the other camp though he (P.W. 33) had no personal knowledge of his (Press proprietor) being so.

81. In paragraph 4 of his above reply dated 29th November, 1971, this Devendra Sharma has refuted the statement of the Press proprietor in his affidavit that he was the main worker of this petitioner in this election in Naugachhia area asserting that he was simply a worker of the petitioner. It may, however, be worthwhile to mention that he (Devendra Sharma) could well be called the main men of the petitioner in this case. As it was observed all along the hearing of this election petition he (Devendra Sharma) had been sitting and instructing the petitioner's counsel. As it appears from the reports, most of the affidavits of the petitioner have been sworn by him (Devendra Sharma). The petitioner, as it could be noticed, during the long hearing of the case, had appeared in Court only once and that was when he was examined as a witness on 8th March, 1972 (its hearing commenced on 17th January, 1972 and ended on 27th March, 1972).

82. The petitioner's first list of 143 witnesses was filed in the court on 13th September, 1971. In this list the above proprietor of the Gopal Press was cited as witness No. 1. On the same day the petitioner filed another petition regarding his list of documents to be called for and in this petition the above documents like order book, bill book etc., of the Gopal Press were sought to be called for from its proprietor. As I have already shown, on 15th November, 1971 the Gopal Press proprietor had filed the above affidavit explaining the absence of those documents from his custody alleging that they had already been taken away by one Devendra Sharma who was the main worker of the petitioner on the plea that he had to file an election case and would return them after the case had been filed, but he did not do so. Except filing of the above reply, dated 29th November, 1971 in which Devendra Sharma refuted these allegations against him, no step was taken by the petitioner to have

this Press proprietor in the witness box though, as noticed above, he was cited as his first witness in his above witness list dated 13th September, 1971. It has been argued for the petitioner that after the proprietor had become hostile to him which was evident from the false allegations that he made in his above affidavit dated 15th November, 1971, there was no use for the petitioner to try to bring him into the witness box because he was bound to depose against him. This argument is not fully persuasive. If the petitioner was sure that the proprietor had gone over to the other camp and it was because of this that he had filed that false affidavit alleging taking away of those papers from Press by the petitioner's worker Devendra Sharma though they were still in its custody, he could well get him into the witness box and by his cross-examination, if found necessary, could show that those allegations were untrue and the papers were still with him and he was withholding them from the Court list they disclosed the correct state of affairs in this matter. Instead of doing so, he has, however, remained satisfied with only the above reply, dated 29th November, 1971 sworn by Devendra Sharma refuting the statements made in his (Press proprietor), affidavit in that behalf. The petitioner's reluctance to get the proprietor into the witness box in spite of citing him as his witness No. 1 in his earliest list, according to learned respondent's counsel, was not for the reason that he had gone over to the other camp but because he was afraid that in his deposition in Court he would disclose the truth about this matter which would prove the correctness of his statements in his affidavit about the taking away of those papers by Devendra Sharma in that manner.

83. As I have already said, the only person whom the petitioner has examined as eye witness of the printing of this pamphlet (annexure 1) by the respondent and his men, is Rasik Lal Modi (P.W. 36) of village Suktia Bazar. Before I examine his evidence it seems worthwhile to mention that he (P.W. 36) was admittedly the polling agent of this respondent on a polling booth in his village (vide Ext. 1.). He (P.W. 36) has also admitted that besides being respondent's polling agent he had also done propaganda and canvassing for him in this Parliamentary election.

84. It is thus interesting to find that though at the time of this election he was actively helping the respondent he has now thought fit to come as a witness for his adversary and that also on a vital question regarding the printing of this pamphlet which, as already show clearly contains some statement which if held to be his (respondent) doing will invalidate his election and may also involve him in further punishment in law. It is also noticed that in his list of 142 witnesses, dated 13th September, 1971, no mention was made of his (P.W. 36) name. He was cited as a witness by the petitioner for the first time on 17th January, 1972, the date on which the hearing of this case began. This delay in his name as a witness for the petitioner cannot be said to have been convincingly explained. He (P.W. 36) has admitted that after the poll was over in this election, which, as already shown, took place on 5th March, 1971, he went out from the village to sell betel and returned to the village after a fortnight when he disclosed to his co-villagers regarding the printing and distribution of such pamphlets by and on behalf of Gyaneshwar Prasad Yadav, so, according to his own admission, he had disclosed this fact to his co-villagers by 20th March, 1971. In the election petition, which was filed on 23rd April, 1971, his name was, however, not mentioned anywhere on this point. So also, none of those villagers has been examined to corroborate him regarding his such disclosure.

85. His (P.W. 36) evidence is that two days before this poll (which took place on 5th March, 1971) Raghunandan Rao of Ratanganj, who according to him, was working for the Jan Sangh in this election, came

to his (P.W. 36) house at about 9 A.M. and asked him to accompany him to Naugachhia for getting the pamphlet for Gyaneshwar Babu printed; on reaching Naugachhia at 10 A.M. he and Raghunandan Sao went to Gopal Press when the latter gave a manuscript which was in the hand of Gyaneshwar Babu for printing; he (P.W. 36) had read the contents of that manuscript while they on the way from their village to Naugachhia; at the Press the signature of Raghunandan Sao was taken on a Press paper and he (P.W. 36) also signed as a witness on that paper; the printing charge was fixed at Rs. 20/- out of which Raghunandan Sao made an advance of Rs. 4/- at that time; as asked by the Press they returned that day at about 4 P.M. and corrected the proof copy; they were called to the Press next day at 10 A.M. to take delivery of the printed pamphlet; next morning at about 9 A.M. when he (P.W. 36) was still at Naugachhia Gyaneshwar Prasad Yadav accompanied with 4 or 5 persons arrived on a jeep and from there they all, including Raghunandan Sao, went to the Press where Gyaneshwar Babu gave the balance of Rs. 16/- and took delivery of the printed pamphlets which numbered 2000; he (P.W. 36) took one of those printed pamphlets and read its contents but subsequently parted with it in village Saidpur to a student who had asked for it. On being asked by the petitioner's counsel he (P.W. 36) read the pamphlet (annexure 1) in Court and said that it (annexure 1) was identical to the above pamphlets delivered to Ganeshwar Babu.

86. In his (P.W. 36) cross-examination while admitting that he had not participated in any way in the correction of the proof copy of this pamphlet but had simply seen Raghunandan Sao reading it when he was just looking at it sitting by the side of Raghunandan Sao, he has tried to give the contents of this pamphlet which are reproduced in paragraph 29 of his evidence. A comparison of this statement with the contents of the pamphlet (annexure 1) shows that there is hardly any connection between the two. He has admitted that except this he does not know its other contents.

87. In paragraph 31 he (P.W. 36) has admitted that his above meeting with Ganeshwar Prasad Yadav at Naugachhia on 4th March 1971 at 10 A.M. was his first and last meeting with him. It is not easily understood why then Gyaneshwar Prasad Yadav felt the necessity of carrying this man to the Press along with others on a jeep where he is said to have gone that time to take delivery of the printed pamphlets.

88. This pamphlet contained a very damaging paragraph which if proved to be his "reorder" doing was bound to put him in trouble in any election case filed against him in case of his success in the election. As it appears, the respondent was not new to the political field. Prior to that he had fought elections. In 1967 he had contested the Bihar State Assembly election from Bihpur Assembly constituency and won. In 1957 also he had contested such an election from that constituency but lost it. In 1969 also he had contested the State Assembly election but got defeated. Having regard to his such political antecedent it can be assumed that he (respondent R.W. 50) was aware of the evil consequences of this pamphlet. In such a circumstance, it could be well presumed that respondent's normal feeling in its printing would have been to do it as secretly as possibly. Accordingly, the story of his taking away this witness (P.W. 36) with him while going to the Press to take its delivery when this was their first meeting in life does not at all appeal. This suspicion gets stronger when his (P.W. 36) admission that he had never done any work of the Jan Sangh Party before he alleged going to the press with Raghunandan Sao is also taken into consideration.

89. As he (P.W. 36) has said in paragraph 14 about a month ago before 3rd February 1972 his co-villagers (Chamanji alias Chaman Jaiswal) who was the polling agent of this election petitioner on his village

booth No. 94 where he (P.W. 36) was working as the polling agent of the respondent made enquiry from him regarding its printing in the above manner and though he (P.W. 36) was very hesitant in the beginning to disclose it to him but on his insistence he (P.W. 36) disclosed it to him. In paragraph 35 of his cross-examination he (P.W. 36) has further stated that after the poll of this election was over he went out of his village and returned back after about a fortnight and disclosed to this Chaman Jaiswal along with other villagers as to how he had been taken as above by Raghunandan Sao for printing those pamphlets and also about making necessary corrections in the proof copy at the press and the press taking their signatures on its papers. He has further said that in that course he had informed them as to how he had gone to the Press in the company of Gyaneshwar Babu at 10 A.M. that day and the delivery of the printed pamphlets to Gyaneshwar Babu after realising from him the necessary printing charges was made. In spite of such alleged disclosure to Chamanji and other villagers on or about 20th March, 1971 it is surprising that there is not even a whisper in the election petition about this important fact which was filed on 23rd April, 1971. Moreover, this Chamanji, though he was cited as a witness (No. 141) in the petitioner's witness list dated 13th September, 1971 and has served the summons on him (P.W. 36) on 13th January, 1972, has not been brought to the witness box to corroborate him (P.W. 36) on this point. So also, none of those other villagers has come forward to say so. In the same way Vishwanath Kapur of village Abhiya Bazar, to whom he (P.W. 36) asserts to have disclosed these facts on that occasion, has not been examined. This Vishwanath Kapur, according to him (P.W. 36), is a leader of the Congress Party in this area. It is also seen that on behalf of the petitioner this Vishwanath Kapur had sworn an affidavit in this case on 25th January, 1972.

90. The above Raghunandan Sao has not been before Court on behalf of any party. According to the petitioner this Raghunandan Sao belonged to Jansangh Party and was working or the respondent in this election. The respondent, however, denies to have any truck with him in this election or otherwise. On the other hand, his allegation is that he was a man of the Congress Party. Except the statement of the witnesses examined for the petitioner there is no convincing evidence on the record to connect him (Raghunandan Sao) with the respondent or his party in this election. The petitioner has drawn my attention to the suggestion made in cross-examination (paragraph 37) of P.W. 1 Bhairo Singh that this Raghunandan Sao was working for Sita Ram Keshri in this Parliamentary election but some days before the actual voting he had fallen out with Sita Ram Keshri and also to the admission of R.W. 38 that he knows Raghunandan Sao of Ratangani who had never been a member or worker of the Congress party (paragraph 7). On these statements I am asked to believe that Raghunandan Sao was a worker of the Jansangh party in this contention. There is nothing in these statements, or for the matter of that, any other evidence of the parties on which hands can be laid safely to conclude that he (Raghunandan Sao) was actually a member of Jansangh or the Congress party and had actually worked as such in this election for that party candidate.

91. Thus on a consideration of all the above facts and circumstances I am not prepared to take him (P.W. 36) to be a truthful witness and consequently I refuse to rely upon his above testimony regarding the printing of this pamphlet (annexure 1) in the Gopal Press by the respondent and his men in the alleged manner. After his evidence on this point is discarded the petitioner is left with no direct evidence to connect the respondent or his men with the printing of this pamphlet as alleged.

92. By reference to the statement in paragraph 10 of the deposition of petitioner's witness Sitaram Kedia

(P.W. 38), who is the proprietor of Krishna Press, Naugachhia, where respondent's aforesaid pamphlet (annexure 2 to the election petition) had been printed it has been argued that these statements clearly show that the printing works of the respondent in this election were done in that Press (Krishna Press) and, as such, it was natural for the respondent to have this pamphlet (annexure 1) also printed in that Press if he was going to print it for the use in this election. In this connection it has been pointed out that there is no case of the petitioner that except this pamphlet (annexure 1) the respondent had got any other election paper of his printed in this Gopal Press during this election. *Prima facie* this contention cannot be brushed aside as being without any merit.

93. In his cross-examination the respondent (R.W. 50) after having been made to read the above pamphlet (annexure 1—Ext. 2/d) has stated that he had never given his order or consent for printing or distribution of any such pamphlet for this Parliamentary election; he came to know about it for the first time when he received a copy of this election petition in which mention had been made about this pamphlet and on receiving that copy he went to Gopal Press at Naugachhia where this pamphlet was shown to have been printed; in the Press he met its proprietor Bishwanath Lahiri and on his enquiry, after some hesitation he (Bishwanath Lahiri) had disclosed to him (R.W. 50) that one Raghunandan Sao of Ratanganj had placed orders for the printing in the evening of 4th March, 1971 but it could not be printed on 5th March, 1971 due to some defect in the printing machine and he (Bishwanath Lahiri) was also busy in casting his vote etc. and its delivery was effected to Raghunandan Sao on 6th March, 1971 who took them away. He (R.W. 50) has further said that his attempt to look into its manuscript at that time did not succeed because the Press proprietor Bishwanath Lahiri avoided to produce it to him for perusal. In his (R.W. 50) cross-examination he has stated that his above visit to Gopal Press was sometime in June or July, 1971 and during that visit he was accompanied with his party worker Jugal Kishore Rai of Naugachhia. By reference to these statements of R.W. 50, it has been argued for the petitioner that no such case disclosed in his written statement which was filed on 20th March, 1971. Nothing like this was also whispered in the above affidavit dated 15th November, 1971 filed by Bishwanath Lahiri (Proprietor of Gopal Press). So also, the respondent had not made any such case in his aforesaid reply dated 6th December, 1971. These omissions, according to the petitioner, prove the falsehood of respondent's everment regarding his such enquiry at the Press and the latter's reply on the above line. The non-examination of the above Jugal Kishore Rai has also been urged as a corroborative circumstance for this contention. It is difficult to accept this contention. I do not think it was necessary for the respondent to set out these details in his written statement where he was to give the broad features of his case leaving such details to be given, if necessary, during evidence in Court. In paragraph 4 of his (respondent) above rejoinder dated 6th December, 1971 he has specifically mentioned about it asserting that during that enquiry he had learnt that this leaflet was printed on 6th March 1971 and had never seen the light of the day on 5th March 1971 or on any date prior thereto. Regard being had to these facts I find myself unable to accept the petitioner's view point that respondent's mere omission to spell out these details in his written statement or above rejoinder must convince anyone that it (annexure 1) had been brought into existence by and at the instance of the respondent through this Gopal Press and by none else.

94. By reference to the figures of voting in Gopalpur Assembly constituency which includes Naugachhia and Gopalpur, as noted in the result sheet (Ext. H), the petitioner has addressed that in view of his poor prospect in this constituency it was only natural for the

respondent to have thought of a plan to print and distribute such pamphlets appealing to the voters of Naugachhia and Gopalpur to vote for him for those reasons in order to better his prospect and jeopardise that of the petitioner. According to the result sheet the total votes polled by the petitioner in this constituency was 18952 and that by the respondent was 14951. On this difference alone it cannot be said that the respondent's prospect in this area was so bad that he would have embarked upon such a plan which was obviously full of risk. As already stated, this pamphlet contains a clause which straightway comes within the mischief of corrupt practice relating to divine displeasure. The respondent, who was not new to the field of politics but had been a seasoned politician from before having fought elections, must be deemed to be aware of the dire consequences of such a leaflet if proved to be his doing. Moreover, as it appears from the above result sheet, in some of the constituencies his position was quite strong and he had polled much more than the petitioner. So, his position was not so weak as a whole *vis-a-vis* the petitioner. Rather, the real picture was that he defeated the petitioner by a margin of approximately 13000 votes. On these facts, it will not, I think, be correct to make any presumption against the respondent regarding the printing and distribution of this pamphlet by or on his behalf, in the absence of any positive authentic evidence to prove that they had actually been printed and distributed in the way alleged.

95. According to learned petitioner's counsel, as a perusal of the two pamphlets (annexure 1 and 2) will show their criticisms of the Congress party and its leader are very similar indicating that the same mind was behind both. He has also urged that from the way in which the criticisms has been levelled against the Congress and its leader in annexure 1 it should easily convince anyone that it must be the doing of the petitioner's opponent because he (Petitioner) or any one on his behalf could not be expected to criticise his own party and leader in that filthy way. On these facts he asks the Court to believe that none else except the respondent and his men were to be saddled with the responsibility of bringing out this pamphlet (annexure 1). In this connection he has also invited my attention to the respondent's suggestions made to P.W. 1 (Bhairo Singh) in his cross-examination as to whether he knew that Raghunandan Sao was working for Sita Ram Keshri in this parliamentary election and some days before the poll he had fallen out with Sita Ram Keshri (Paragraph 37). According to the petitioner, when this Raghunandan Sao had fallen out with the petitioner only a few days before the voting it was only natural for him (Raghunandan Sao) to join the camp of the respondent and try to help him to damage the petitioner's prospect in the election in any and every manner. This fact, according to counsel, can impress any one that the placing of order for printing this pamphlet, which the Press proprietor Bishwanath Lahiri has admitted to have been placed with them on 4th March, 1971 by Raghunandan Sao, was on behalf of the respondent whose camp he (Raghunandan Sao) had already joined. The respondent has, however, "....." (Sita Ram Keshri) or his party's association "....." (Raghunandan Sao) in any manner in this ".....". There is also no credible evidence on record to prove their such alleged association and working in this election. Even if it be assumed for a moment that this Raghunandan was working for the petitioner but had fallen out with him a few days before the poll but that by itself cannot be a guarantee of the fact that after such desertion of the petitioner he necessarily went and joined the respondent to work against the petitioner. This fact the petitioner must prove by positive reliable evidence in order to avail of it against the respondent. But he has not done so. In the above affidavit dated 15th November, 1971 of Biswanath Lahiri also, he has not definitely said that the order for printing this

pamphlet had been placed with him by this Raghu-nandan Sao. His statement is that the order was placed with the Press by a person who gave his name as Raghu-nandan Sao at that time.

96. In his above rejoinder dated 29th November, 1971 by Devendra Sharma (P.W. 33), an admitted worker of this petitioner in this election, which was by way of reply to the aforesaid affidavit dated 15th November, 1971 by the Press proprietor Bishwanath Lahiri, he (Devendra Sharma) asserted that this pamphlet (annexure 1) had been printed before 5th March, 1971 and as required by law the Press had forwarded a copy of it to the District Magistrate, Bhagalpur on 5th March, 1971 which was received in that office on 6th March, 1971 and he (Devendra Sharma) has obtained a certified copy of that pamphlet from the District Magistrate's office and enclosed it (copy) with this joinder. This copy has subsequently been tendered in evidence and marked Ext. 6. The entries in it show that this copy was applied for on 20th July, 1971, which was almost three months after the filing of this election petition (filed on 23rd April, 1971). The copy became ready on 23rd July, 1971 and it was delivered the same day.

97. The original of the above copy (Ext. 6) was called for by the petitioner in his petition dated 13th September, 1971 (item No. 9). The District Magistrate sent it to this Court with his letter dated 5th November, 1971. No attempt has, however, been made on behalf of the petitioner to prove this original as received from the District Magistrate's office. It contains some manuscript writings on its body. But those writings also have not been proved in Court. So, this pamphlet along with its such writings has been allowed by the petitioner to adorn the record without any step to get them in evidence. According to the petitioner, the writings on this body of this pamphlet will show that it was despatched by the Press to the office of the District Magistrate on 5th March, 1971 and received at the latter on 6th March, 1971. In the absence of these writings having been admitted in evidence it is not possible to look into them to come to any such conclusion. In fact, without those writings being proved, it has been rightly argued by the other side, that the petitioner has failed to prove as to who had sent this pamphlet to the District Magistrate's office and by whom it had been received in that office.

98. On behalf of the respondent, transit registers of the office of the District Magistrate, Bhagalpur have been called for and produced. They have been marked as Ext. E and E/1. Ext. E relates to the entries in 1970 and Ext. E/1 to the entries in 1971. To prove these registers and the entries therein the respondent has examined the Bhagalpur collectorate office Superintendent Upendra Prasad (R.W. 41), the entries of serial Nos. 1 to 11 in the 1971 register have been marked Ext. E/2 and those in serial Nos. 12 to 22 as Ext. E/3. All these 22 entries are of the date 6th March 1971. Ext. E/4 is the signature dated 15th March, 1971 of Jaidev Jha, Head Assistant of this collectorate office. As he (R.W. 41) has disclosed, the entries are per pen of the collectorate peon Chhatranath Jha and those (Ext. E/3) are in the pen of the Collectorate transit clerk Md. Ekramul Haque. According to him (R.W. 41) the Head Assistant marks his signature on this register when it is sent to him by the transit clerk after making the necessary entries in it and after receiving the register with the documents concerned the Head Assistant compares them and if any of those documents is missing he puts a cross mark against them and if among those documents received by him some are of other departments he (Head Assistant) returns them and makes necessary entry against them in the register. Among the entries Ext. E/3 the petitioner has relied on the entry at serial No. 22, at the bottom

of page 3 overleaf, which is to the effect "Shri Gopal Press, Naugachia Dinnak 5th March, 1971". In this writing the name of the Press was first written as "Gopal Krishna Press", but the word "Krishna" appears to have been penned through. The above signature (Ext. E/4) of the Head Assistant Jaidev Jha on this page (page 3 overleaf) appears to cover only the entries from serial Nos. 5 to 21, inasmuch as the single bracket enclosing them ends at serial No. 21 and it does not extend to serial No. 22. If this last entry in serial No. 22 was actually in existence on 15th March, 1971 on which this register was presented and checked by the above Head Assistant in token of which he appears to have affixes his above signature (Ext. E/4) enclosing his checked entries within a bracket, there is no reason why it (serial No. 22 entry) should not have also attracted his notice so that his above enclosure-bracket was also extended to include it within his examination and signature. But this is not so. Moreover, this entry in serial No. 22 has been made below the thick line (bottom) though in most of the other pages of this register there is no entry below such thick line. As already said, the entry in serial No. 22 is per pen of the transit clerk Md. Ekramul Haque, who is admittedly alive. He has not, however, been examined by the petitioner to explain when and how he made this entry. As this entry (serial No. 22) stands, there also seems slight differences in the ink used in writing it as compared to the ink used in the preceding 10 entries (serials 12 to 21). On a close scrutiny, the ink of serial No. 22 appears to be of greater density than the ink of the preceding 10 entries. As those entries (serials 12 to 21) stand, there seems little doubt that the serial No. 22 did not exist at the time this register was presented to the above Head Assistant on 15th March, 1971 for the usual check, and signature. If this entry (serial No. 22) was also in the register on that day, i.e., 15th March, 1971, he (Head Assistant) was expected to look into it like others and include it within his sphere of check by inking that bracket end at this entry (serial No. 22) instead of ending it at serial No. 21. This suspicion is also strengthened by the fact, submitted by respondent's learned counsel and not controverted by the other side, that this entry (serial No. 22) is the only entry relating to a pamphlet in this register of 1971. He has urged that there were at least 10 Assembly constituencies in Bhagalpur district in this Parliamentary election and candidates must have printed and distributed pamphlets in their respective areas but it is significant to find that the lone pamphlet, mentioned in serial No. 22, finds place in this register. Petitioner's witness PW. 37 has submitted that during this Parliamentary election he had seen 8 to 10 kinds of pamphlets distributed by different parties. In the same way, the statements of other P.W.s like P.Ws. 1, 3, 4, 6, 8, 9, 11, 13, 15, 16 and 18 are also indicative of distribution of several pamphlets by different candidates during this election. It is then not clear as to how this transit register, which was for the whole of this district, had made mention of only the above pamphlet in serial No. 22. In order to discharge the legal obligation on this point it was expected that all those presses would have also sent copies of the pamphlets printed by them and in normal course they should also have found place in this register as the above one (serial No. 22). But strangely enough it is not so, and except this pamphlet none of those other several leaflets find place in this book and there is no such case of the petitioner that the receipt of those other pamphlets has been acknowledged in some other register of this office.

99. For the above reasons, I have no manner of doubt that the above entry in serial No. 22, which is said to refer to the receipt of a copy of this pamphlet from Gopal Press, Naugachia as sent by it to the District Magistrate, is not genuine and has been subsequently manipulated to suit one's convenience. In such a circumstance, it cannot be treated as being corroborative of the fact of the alleged printing of

this pamphlet in the Gopal Press before 5th March, 1971 and its one copy having been sent to the District Magistrate's office on 5th March, 1971 and the receipt thereof in that office on 6th March, 1971. As already stated, the above pamphlet which has been sent to this Court by the District Magistrate's office on the requisition of the petitioner has not been proved in evidence nor any authentic evidence has come to show as to who had actually sent it to the District Magistrate's office and when. So also, it has not been proved as to when it was actually received in the District Magistrate's office. In these circumstances, the issue of the above copy (Ext. 6) of this pamphlet on 23rd July, 1971, on the petition of this election petitioner's worker Devendra Sharma filed on 20th July, 1971, is of no particular assistance to prove the petitioner's case regarding the printing of this pamphlet in the Gopal Press and its having been sent to the office of the District Magistrate on 5th March, 1971, as alleged. It (Ext. 6) is also in no way helpful to connect the respondent and his men with the printing of this pamphlet prior to 5th March, 1971.

100. Thus having carefully considered all the above facts and circumstances I find that the petitioner has failed to establish by any authentic evidence the printing of this pamphlet (annexure 1) in the manner alleged by the respondent, his agent or workers with his consent.

101. When the petitioner's case about the pamphlet (annexure 1) having been printed by the respondent and his men is found to be not proved the question of its distribution by them on 4th March, 1971 in the villages concerned naturally becomes doubtful. There is no such case of the petitioner that even though these pamphlets had been printed by persons other than the respondent or his men but latter had distributed them in those villages in the manner alleged. The normal expectation in such a case would be that the person concerned would first get the pamphlet printed and then distribute or get them distributed in area of his requirement and not that some body else would print them and another will distribute it for his benefit. There may be a case like this but then it must be pleaded so by the party alleging it. But as said above, there is no such allegation of the petitioner anywhere.

102. In this connection, as already observed, the petitioner's specific case as made out in his evidence is that by and on behalf of the respondent these pamphlets (annexure 1) were distributed in six villages, namely, Telghi, Naugachhia, Pakra, Madrauni, Gosaigaon and Saidpur. His witnesses on this point for those villages are, Telghi P.Ws. 1, 3 and 6, Naugachhia P.Ws. 4 and 35, Pakra P.Ws. 8, 11 and 18, Madrauni P.Ws. 9 and 40, Gosaigaon P.Ws. 15 and 21 and Saidpur P.Ws. 29 and 32.

103. Against the above witnesses of the petitioner (P.W. 39), on behalf of the respondent (R.W. 50) a number of witnesses have been examined who have completely denied the distribution of any such pamphlet in these villages. In respect of village Telghi respondent's witnesses are R.Ws. 16, 18, 24, and 26 and for Naugachhia they are R.Ws. 13, 15, 17 and 19. For Pakra they are R.Ws. 31, 34 and 45 whereas for Madrauni they are R.Ws. 37, 43 and 44. For Gosaigaon it is R.W. 20 and for Saidpur they are R.Ws. 23, 25, 27 and 32. Among the above P.Ws. the pamphlet enclosed to the election petition as annexure 1 (Ext. 2/d) has come from the custody of P.W. 1 (Bhairo Singh) of village Telghi. Its another copy (Ext. 2) has been produced in Court by P.W. 3 (Arjun Singh) of the same village P.W. 9 (Bashist Narain Singh of village Madrauni) has also produced in Court another copy (Ext. 2/a) of this pamphlet. It has been argued for the petitioner that unless there was distribution of such pamphlets by the respondent in these villages how could these persons be expected to get hold of them (Exts. 2, 2/a and 2/d)

According to his counsel the fact that these persons had such pamphlets in their possession and they have been produced in Court from their custody is a very strong circumstance which supports the petitioner's allegation regarding printing and distribution of such leaflet by the respondent and his men who alone could be deemed to be interested in doing so to better his poll prospects.

104. As I have already observed, the petitioner has failed to prove beyond doubts that any such pamphlet had been printed by or on behalf of the respondent during this election and in that context the case of the distribution of them becomes doubtful. If their printing is not found to be the doing of the respondent or his men how the respondent can explain the possession of the above pamphlets by the three petitioner's witnesses (P.Ws. 1, 3 and 9). As already noted, the specific case of the respondent regarding this pamphlet in that he or his men had never anything to do with its printing or distribution and asserts that it had been brought into existence by the petitioner and his men for use in his case after his (petitioner's) defeat in this election.

105. According to Bhairo Singh (P.W. 1) on 4th March 1971 at about 5-30 p.m. Gyaneshwar Prasad Yadav (respondent) had come to his (P.W. 1) village on a jeep accompanied with 5 or 7 other persons of whom he (P.W. 1) recognised Raghunandan Sao of village Ratanganj, and coming to Gyaneshwar Prasad Yadav appealed to the people to vote for him and then distributed pamphlets of orange and yellow colour bearing Deepak symbol and in that course he had received one of those pamphlets from the hands of Gyaneshwar Prasad Yadav and after receiving it he kept it with him (P.W. 1) and 2 or 3 days later when he met Sita Ram Keshri (Petitioner) at Naugachhia he parted with that pamphlet in his favour without any objection as he had no work with it. He has also given out that at the time of that distribution one of those persons had read out the contents of the pamphlet to the persons present there and when this reading was being done Gyaneshwar Prasad Yadav was there. In cross-examination, he has stated that on that day he had gone to Khadi Bhandar at Naugachhia for marketing where he met Sita Ram Keshri accidentally and then the latter asked him about this Parliamentary election and in reply he told him that everything was all right but for the distribution of that pamphlet and saying so he (P.W. 1) took out that pamphlet from the pocket of his kurta that he was wearing and showed it to him (Petitioner) and after reading it the petitioner requested him to give it him to which he acceded and then Sita Ram Keshri (Petitioner) kept it with him without telling him anything further. Admittedly he (P.W. 1) was not the supporter of any political party in this Parliamentary election nor had done any work for any of the contesting candidates. It is then not understood as to what was the special attraction for him (P.W. 1) to preserve this pamphlet after he had received it in the alleged manner from the distribution party of respondent and others. It is also not understood as to what made him to carry this pamphlet on the above day to Naugachhia where he had gone for marketing and states to have met the petitioner accidentally in the Khadi Bhandar. On being questioned, he (P.W. 1) has given out that during this Parliamentary election before the poll he had received three pamphlets including the above and two of those were of the Communist (Marxist) party and the other of the Congress (Organisation) party. He himself has subsequently admitted that the Congress (O) party had not set up any candidate in this election. It is then not understood as to how leaflet were distributed on behalf of that party, namely, Congress (O). According to his own

admission, he did not care to preserve any of the above other two pamphlets nor can he now say their contents, colour or size. But it is significant to note that he remembers everything including the contents of this pamphlet (annexure 1.). On these facts, his (P.W.1) evidence on this point does not inspire full confidence. Respondent's suggestion about him is that he had always opposed the respondent's in politics and in this parliamentary election was supporting this petitioner because of the electoral alliance between the Congress Party and his (P.W.1.) Communist Party.

106. The statement of P.W.3 (Arjun Singh) is that on 4th March 1971 at about 5 or 5-30 p.m. Gyaneshwar Prasad Yadav had come to his village on a jeep accompanied with Raghunandan Sao of village Rataurangan and five others who he did not recognise; he met them near the house of P.W.1 (Bhairo Singh) where Raghunandan Sao gave him (P.W.3) a pamphlet and when he got this pamphlet from Raghunandan Sao, Gyaneshwar Prasad Yadav was standing there; at that very time one of that party of Gyaneshwar Prasad Yadav had begun reading the contents of the pamphlet in his hand. He has further said that in course of that distribution Gyaneshwar Babu had given one pamphlet to Bhairo Singh and Raghunandan Sao to Mathura Choudhary and both of them had distributed similar pamphlets to other persons who were present there. As he (P.W. 3) has also said, when he met Rajendra Sharma who had come to his sasural in Telghi 5 or 6 days after this parliamentary poll he mentioned about this distribution to him and also showed him the pamphlet that he had received from Raghunandan Sao upon which Rajendra Sharma asked him to preserve it and he accordingly preserved it. He (P.W.3) had produced this pamphlet from his custody in Court in course of his evidence on 18th January 1972. This Rajendra Prasad Sharma has been examined as (P.W.37). He has also stated as above regarding his visit to his sasural in Telghi 4 or 5 days after the poll and having been shown this pamphlet by P.W.3 and his (P.W.37) asking him (P.W.3) to preserve it; after he (P.W.37) had gone through its contents cursorily at that time. Admittedly, he (P.W.37) had contested this respondent (Gyaneshwar Prasad Yadav) in the 1969 State Assembly election and was defeated. He has also admitted that in 1967 Assembly election Gyaneshwar Prasad Yadav, was a candidate for Jan Sangh and Sukhdeo Choudhury of the Congress Party and he (P.W.37) was helping the latter as a congressman which he is since 1956. It is admitted by P.W.3 (Arjun Singh) that he has no connection with any political party and was in no way connected with this petitioner in this Parliamentary election. He has even said that till that day (18-1-1972) he had never any talk with this petitioner on any occasion. In such circumstances, if above Rajendra Sharma had actually been shown this pamphlet by him (P.W.3) in the above manner on that day and he (P.W.37) found it objectionable which, according to him (P.W.37), was the reason why he asked P.W.3 to preserve it, it was only natural on his (P.W.37) part to take it from him (P.W.3) and to preserve it himself instead of taking the risk of its preservation by him (P.W.3) specially when he (P.W.3) was not in any way interested in any political party of its candidate. Taking of such a risk by a politician is generally uncommon. It has been suggested to him (P.W. 3) that he belongs to the communist party and because of the electoral alliance between the Congress and the Communist Parties in this election he was helping this petitioner and working for him openly. Accordingly I feel hesitant to impose full confidence in the truth of this evidence on this point. The evidence of P.W. 9 (Bashist Narain Singh) is that on 4th March, 1971 Gyaneshwar Prasad Yadav had come to his village on a jeep accompanied with six other persons of whom he recognised Raghunandan Sao, Mithilesh Kumar Singh, Sushil Kumar

Singh and Krishna Kumar Singh of his village Madrauni at about 2.30 or 3 p.m.; the jeep stopped near his (P.W. 9) house; then Gyaneshwar Prasad Yadav took out pamphlets and gave one to him (P.W. 9) and like him to (Gyaneshwar Prasad Yadav) also gave such pamphlets to Rameshwar Prasad Singh, Dinesh Singh and 20-25 persons who had assembled there; after receiving the above pamphlet he (P.W. 9) read its contents and kept it in his pocket and 3 days thereafter he met Madan Singh, Congress M.L.A. or his area, and in that meeting Madan Singh asked him about the prospect of the Congress candidate on which he (P.W. 9) took out a pamphlet from his pocket and showed it to him and after reading its contents he (Madan Singh) asked him to preserve this pamphlet, and accordingly he preserved it. He (P.W. 9) brought this pamphlet and produced in Court on 19th January, 1972 from his custody. This Madan Prasad Singh has been examined as P.W. 40. In his evidence he has stated about his above meeting with Bashist Singh (P.W. 9) and the latter's showing that pamphlet and his (P.W. 40) advising him to preserve it. It is admitted by him (P.W. 9) that he is not attached to any political party nor he was in any way connected with this parliamentary election on behalf of any party. In these circumstances, it is not understood as to how he (P.W. 9) had thought of maintaining this pamphlet with him till 3 days thereafter to show it to the above Madan Singh as above. There is nothing in his (P.W. 9) evidence to show that after going through its contents when he had received it he noticed something objectionable in it and that gave him an idea to preserve it with him till that day. It is interesting to find that when he (P.W. 9) met above Madan Singh after 3 days and when the latter asked him about the poll he after telling him that the Congress party had better chance of winning the election but for that pamphlet which he took it out from his pocket and showed it to him (Madan Singh). If these are to be believed then it appears that he (P.W. 9) had this pamphlet ready in his pocket so as to produce it to him (P.W. 40) at that time when the latter had met him (P.W. 9) just accidentally in his village on that day. According to P.W. 40, who is of village Harnathohak, he had gone to his (P.W. 9) village Madrauni being an ex-officio member of the school there, and he (P.W. 9) happened to be present therein the school at that time by the way without any special purpose. In this case also it is not fully understood as to why he (P.W.40) after finding this pamphlet objectionable did not try to take possession of it as a man of the Congress Party to be used as and when necessary in connection with this election instead of asking him (P.W. 9) to preserve it particularly when he (P.W.9) was not connected with any political party nor was interested in any of the candidates. The normal reaction of a man in his (P.W.40) position would be to try to take it and preserve it with him avoiding the risk of allowing it to remain in the custody of a person unconnected with politics. For these reasons I have my hesitation in accepting the full authority of this evidence.

107. All the above petitioner's witnesses (P.Ws 1, 3, 4, 6, 8, 9, 18, 21, 29, 32 and 35) purport to be eye witnesses of the distribution of this pamphlet (annexure 1) by Gyaneshwar Prasad Yadav and his men in the alleged manner, whereas P.Ws. 11, 15, 37, 39 (Petitioner) and 40 are said to have learnt about their such distribution from the above eye witnesses like P.Ws. 1, 3, 6, 8, 9 and 21. As it appears, the petitioner had, in this case, filed his long list of witnesses. Of these corroborative witnesses, as I have already indicated, P.Ws. 3 and 9 have produced the above pamphlets (Exts. 2 and 2/a) from their custody in Court while the pamphlets of P.W. 1 has been filed along with the election petition through the petitioner. I have already laid my comments regarding this fact, viz., production of these pamphlets and have declined to believe in the truth of the petitioner's allegation

that they had been received by those persons while they had been distributed as such by respondent and his men in that manner.

108. According to respondent's counsel, all those petitioner's witnesses who have been called to testify to such distribution of these pamphlets are not truthful witnesses and they have just come to support the petitioner's case because they are either in the Congress or Communist Party who were in electoral alliance in this Parliamentary election. So far as P.Ws. 1, 3 and 6 are concerned, their communist connection have been deposed to by R.Ws. 16, 18, 24, 26 and 28. R.W. 21 has also said about their working for the Congress Party candidate in this election. Similarly, R.Ws. 13, 15, 17 and 19 have made statements to show that P.Ws. 4 and 35 were Congress workers in this election. In the evidence of R.Ws. 31, 34, 45 and 46, P.Ws. 8 and 11 have been shown to be Congress workers whereas P.W. 18 is a Communist. According to R.Ws. 37, 43 and 44, P.W. 9 has been described as a Congress worker whereas P.W. 40 is admittedly a Congress-man. P.Ws. 15 and 21 have also admitted to be Congressmen. There is also the statement of R.W. 20 to this effect. Regarding P.Ws. 29 and 32 they have been averred by R.Ws. 23, 25 and 24 to be of the Communist Party.

109. As already stated, the respondent has emphatically denied to have anything to do with the printing or distribution of his pamphlet (annexure 1). He has also examined sufficient number of witnesses, as referred to above, who have all solemnly affirmed before the Court that at the time of alleged distribution of this pamphlet in these villages they (R.Ws.) were in those villages at their respective homes and they had never witnessed the respondent's arrival there either alone or in company of other persons nor distribution of any pamphlet. As I have observed above, when these pamphlets have not been proved to have been printed by the respondent or his men the question of their distributions then in these areas as alleged can well be taken to be shrouded in doubts.

110. Thus having carefully considered the above facts and circumstances I feel completely disinclined to accept the petitioner's case with regard to the distribution of such pamphlets by the respondent or his men with his consent in these areas as has been alleged by the petitioner. In other words, I find that the petitioner has failed to prove the distribution of any such pamphlet by or on behalf of the respondent, as alleged by him.

111. On my above findings, it is thus clear that the petitioner has failed to prove his case of corrupt practices under section 123 of the Representation of the People Act, 1951 as alleged in the election petition. Since his prayer to declare respondent's election void is based on these allegations, which he has failed to prove, it (respondent's election) cannot in any way be held to be vitiated and his election, which he had won by defeating the petitioner by a majority of 12,889 votes, must not be disturbed. For these reasons, this issue is decided against the petitioner.

Issue No. 3.—As a result of my findings on the above issue Nos. 1 and 2, it is manifest that the petitioner is not entitled to any relief in this election case which must, therefore, fail.

112. In the result, the election petition is dismissed with costs; hearing fee Rs. 500/- (Rupees five hundred). Office will comply with the provisions of section 103 of the Act without any undue delay.

(Sd) C. P. SINHA.

Patna High Court The 16th May, 1972.

[No. 82/BR/3/71.]

New Delhi the 20th June, 1972

S.O. 2687.—In pursuance of section 106 of the Representation of the People Act, 1951, the Election Commission hereby publishes the Judgment dated the 19th May, 1972 by the High Court of Judicature at Patna in Election Petition No 1 of 1971.

ELECTION PETITION NO. 1 OF 1971

Shri Balmiki Choudhary—Petitioner.

Versus

Shri Digvijay Narayan Singh and others—Respondent
For the petitioner.—Messrs Kanhaiya Prasad Verma
and Kamla Kant Prasad:

For the respondent—Messrs Shyam Nandin Prasad Sharma, Suresh Chandra Prasad Sinha, Shyam Sunder Sinha 'Shyam' and Ganga Prasad Roy.

PRESENTS

The Hon'ble Mr. Justice J. Narain.

NABAIN, J. By this election petition Shri Balmiki Choudhary has sought for a declaration that the election of Shri Digvijay Narayan Singh (Respondent No. 1) is void and that the petitioner is the duly elected member of the Parliament from 9 Hajipur Parliamentary Constituency.

2. The election petition is founded on the following allegations. As a result of the dissolution of the Parliament in 1970, 9 Hajipur Parliament Constituency went to polls in March, 1971. The District Magistrate, Muzzaffarpur performed the functions of the Returning Officer, for this constituency. March 5, 1971 was the date of poll, March 10, 1971 was the date for counting of ballot papers and March 11, 1971 was the date on which result of the election was declared.

3. Altogether there were nine candidates of whom Shri Rasidulzama withdrew his candidature and hence contest took place between eight candidates. The petitioner belonged to the Congress (Ruling) Party and the respondent No. 1 to Congress (Organisation) Party. It is not necessary to refer to the different parties to which the other candidates belonged. The 9 Hajipur Parliamentary Constituency was comprised of six assembly constituencies, namely, 47-Hajipur, 48-Raghpur, 51-Patepur, 52-Garaul, 53-Vaishali, and 54-Lalganj. Counting of all the six Assembly constituencies was done at Hajipur in the S.D.O.'s court premises. As a result of the counting took place, the petitioner got 1,35,687 valid votes and respondent No. 1 1,42,771 valid votes and accordingly Shri Digvijay Narayan Singh (Respondent No. 1) was declared elected on March 11, 1971. The petitioner alleges that the following illegalities were committed in the matter of counting.

- (i) Process of scrutiny and counting of ballot papers was so complicated and tiring that there was no control and regularity in scrutinising and counting the ballot papers.
- (ii) There was frequent failure of electricity and the counting staff had full opportunity to do partiality by putting votes of other candidates in favour of respondent No. 1.
- (iii) Several unauthorised and undesirable persons managed to have their entry inside the counting compartment and after creating confusion and by manoeuvring the counting staff illegally managed to increase the number of votes in favour of respondent No. 1.
- (iv) Counting and scrutiny of ballot papers were done contrary to law.
- (v) That despite repeated objections against the illegalities that were being committed, these were not heard.

(vi) As a result of illegal and improper scrutiny and counting of ballot papers more than 8,000 ballot papers which were either fit to be rejected or were of other candidates, were counted in favour of respondent No. 1 and more than 1,000 ballot papers which were fit to be accepted in favour of the petitioner were illegally rejected.

4. The case of the petitioner is that had the ballot papers been counted in accordance with law and without partiality he would have received majority of valid votes and would have been declared elected. On the above allegations he has sought for the two reliefs referred to above.

5. There has been contest on behalf of respondent No. 1 only (hereinafter to be referred to as the respondent). His contention is that the election petition is not maintainable in as much as the petitioner has no cause of action and the election petition does not contain a concise statement of material facts. It has been stoutly denied that during the course of counting or at the conclusion thereof any objection was ever raised with regard to the defect in procedure adopted for counting or any error or illegality in actual counting. The allegation that there was no proper arrangement of light is also denied. It is contended that there were triple safeguards to ensure proper light during the course of counting. Besides the usual electric connections, there was a generator and kerosene gas lanterns were kept burning in all the six compartments where the counting was being done. No unauthorised or undesirable person was allowed entrance inside the counting compartments. The different illegalities stated in respect of the manner of counting have all been denied and it is contended that everything was done in accordance with law.

6. Shri Rashidulzama, respondent No. 8 who had withdrawn his candidature and did not contest, has filed a written statement saying that he had withdrawn his candidature because of two reasons: (i) the ever growing popularity of the petitioner in his constituency, and (ii) respondent No. 1 propagating and manoeuvring his whole election business on the strategy of caste and because he was bent upon using unfair and illegal methods. He has further stated that after the result was announced it was a general talk that respondent No. 1 had won the election by illegal, improper, unfair and corrupt practices and methods. Except filing the written statement respondent No. 8 did not make other appearance in this case.

7. On the pleadings of the parties the following issues were framed:

Issues

1. Is the election petition as framed maintainable?
2. Were the counting and scrutiny of ballot papers done in accordance with law?
3. Whether there was improper reception, refusal or rejection of votes at the time of counting as alleged in paragraphs 15 to 19 and other paragraphs of the election petition and if so, whether the result of the election was materially affected due to the same?
4. Whether the petitioner received a majority of valid votes and is entitled to be declared duly elected to the House of the People from Hazipur Parliamentary constituency in the Mid term-election held in March, 1971?
5. To what relief, if any, is the petitioner entitled?
6. I may state that the question of maintainability of the election petition, covered by issue No. 1 was taken up on December 6, 1971 and by order dated December 6, 1971 the issue has been decided in the affirmative.

9. After examination of some witnesses, the petitioner filed a petition on December 22, 1971 for permission to inspect the ballot papers counted in favour of respondent No. 1 and also the rejected ballot papers. A rejoinder was filed by respondent No. 1. The matter was heard and by order dated January 14, 1972 prayer for inspection was disallowed. The petitioner prayed for special leave for appeal before the Supreme Court. It was dismissed as withdrawn on February 7, 1972 by the Supreme Court. Thereafter on February 14, 1972, the petitioner filed a petition seeking review of the order dated January 14, 1972 and in the alternative to order the scrutiny and recount of the ballot papers. This was rejected by order dated March 8, 1972.

10. The petitioner had also sought for amendment of the election petition and by order dated March 10, 1972 amendment as prayed for was refused. On March 22, 1972 before the witnesses on behalf of the respondent could be examined a petition was filed on behalf of the petitioner saying that for the reasons stated in the petition, he did not want to proceed with the case. The reasons mentioned in the petition are that the petitioner had prayed for inspection or scrutiny of ballot papers or to have a test check by the Court and for amendment of the election petition but his prayer has been refused and that save and except the ballot papers he has no other means to satisfy the court as regards the improper refusal or acceptance of ballot papers at the time of counting. It was also stated in the petition that the petitioner has no fund or means to invest for cross-examining the witnesses of respondent No. 1. This petition was ordered to be kept on record. The lawyers appearing on behalf of the petitioner submitted that henceforward their names may not appear in the list as they had no further instructions to proceed in the case. Their prayer was allowed. The result was that no cross-examination was done of the witnesses examined on behalf of the respondent.

11. I shall now take up the different issues framed.

12. Issue No. 1: Already decided in the affirmative by order dated December, 6, 1971.

13. Issue Nos. 2 and 3.—Evidence on record shows that counting commences at about 8 a.m. on March 10, 1971, and continued till 1 a.m. on March 11, 1971. The counting was being done under a *Samiana* which was closed on all sides and it had six compartments; each compartment being meant for counting with respect to one Asses. In respect of Hajipur Assembly counting agent Debi Prasad Singh (P.W. 19) and Makhan Rai (P.W. 20) have deposed that in their compartments there were two rows of seven tables each running from east to west and the 15th one was at the head of the two rows. The counting was being done on these fourteen tables. The tenor of evidence is that this was the arrangement in other compartments also and that the 15th table was meant for the Assistant Returning Officer.

14. The manner of counting in each compartment was that ballot boxes of each booth used to be brought on the tables, their contents taken out and tied in bundles of 25 each and then sent back to the Assistant Returning Officer on a tray. The Assistant Returning Officer used to mix those bundles received from each table in a drum with a stick and then 30 bundles each containing 25 ballot papers used to be sent to different tables. On each table there were nine pigeon-holes; of them eight were meant for each of the eight candidates and the ninth one for keeping the rejected ballot papers. The work done on each table was to sort out the ballot papers candidate-wise and to set apart the invalid ballot papers. The ballot papers of each candidate used to be tied in bundles of 50 each and after counting them used to be returned to be Assistant Returning Officer.

15. In paragraphs 17, 18, 19 and 20 of the election petition are given details of the different kinds of irregularities and illegalities which said to have been committed in the matter of counting. They are as follows:

- (i) Several ballot papers of the petitioner which had seal clearly on his symbol or on the name of the petitioner were illegally and improperly rejected. The counting staff were taking out several valid ballot papers of the petitioner and they were mixing it with the doubtful ballot papers and thereby without deciding the objections were rejecting them mechanically by putting different seal on the back.
- (ii) Large number of ballot papers which were fit to be rejected, were counted in favour of the respondent No. 1. Ballot papers having seal on more than one symbol or seal on the shaded area or seal on the back of the ballot papers or having no seal on the symbol of the respondent No. 1 were illegally counted in favour of respondent No. 1.
- (iv) Large number of ballot papers bearing no signature of the Presiding Officers or the identifying mark on the back because they had been placed in the ballot boxes illegally by controlling the booths and which were fit to be rejected, were counted in favour of respondent No. 1.
- (v) Even the bundles of the ballot papers which were containing less than fifty ballot papers were declared to be bundles of fifty ballot papers in favour of respondent No. 1.

16. These have been stoutly denied by the respondent.

17. Both the parties have examined witnesses in support of their rival contentions. I give below the names of witnesses examined on behalf of the contending parties in respect of each of the Assembly segments.

47. Hajipur Assembly Constituency.

Witnesses examined on behalf of the petitioner:
Devi Prasad Singh (P.W. 19) counting Agent.
Trilok Choudhary (P.W. 14) counting Agent.
Makhan Rai (P.W. 20) counting Agent of respondent No. 5.

Witnesses examined by the respondent:-

Arun Kumar Singh (R.W. 25) A.R.O.
Ramji Sharma (R.W. 10) Counting Supervisor.
Raj Bansi Prasad (R.W. 12) Counting Agent.
Raghunath Jha (R.W. 29) Counting Agent.
Pramod Narain Singh (R.W. 32) Counting Agent.

48. Raghpur Assembly Constituency:

Witnesses examined on behalf of the petitioner:
Birendra Kumar Jaisalal (P.W. 9) Counting Agent.

Paras Nath (P.W. 15) Counting Agent.

Witnesses examined on behalf of respondent:
Syed Ahssan (R.W. 1) A.D.M., A.R.O.
Sheo Shankar Singh (R.W. 11) Counting Supervisor.
Munshi Dayal Singh (R.W. 16) Counting Supervisor.

Sachida Nand Singh (R.W. 34) Counting Agent.
51. Batepur Assembly Constituency:

Witnesses examined on behalf of the petitioner:
Gaya Prasad (P.W. 4) Counting Agent.

Witnesses examined on behalf of the respondent:
Nitya Nand Singh (R.W. 3) A.R.O.

Bishwanath Prasad Ojha (R.W. 14) Counting Supervisor.

Braj Kishore Pandey (R.W. 28) Counting Agent.
Siyam Ram Choudhary (R.W. 13) Counting Agent.

52. Gaura Assembly Constituency:

Witnesses examined on behalf of the Petitioner:
Pramod Kumar (P.W. 2) Counting Agent.
Kedar Nath Choudhary (P.W. 17) Counting Agent.

Brij Mohan Mishra (P.W. 16) Counting Agent.
Witnesses examined on behalf of the Respondent.
Bhup Narain Singh (R.W. 5) A.R.O.

Awadhesh Sharma (R.W. 15) Counting Supervisor.
Jalim Prasad Sharma (R.W. 17) Counting Supervisor.

Kailash Pandey (R.W. 30) Counting Supervisor.

53. Vaishali Assembly Constituency:

Witnesses examined on behalf of the petitioner:
Anandlal Rai (P.W. 10) Counting Agent.
Ramchandra Sah (P.W. 11) Counting Agent.
Kedar Sharma (P.W. 12) Counting Agent.

Witnesses examined on behalf of the respondent:
Surendra Pd. Verma (R.W. 35) A.R.O.

Dharnidhar Sinha (R.W. 18) Counting Agent.
Sukhdeo Sharam (R.W. 20) Counting Agent.
Tarni Prasad Roy (P.W. 22) Counting Supervisor.

Ram Raghuvir Prasad (P.W. 23) Counting Supervisor.

54. Lalganj Assembly Constituency:

Witnesses examined on behalf of the practitioner.
Rup Kant Thakur (P.W. 3) Counting Agent.
Nageshwar Mishra (P.W. 5) Counting Agent.
Brahmdeo Rai (P.W. 6) Counting Agent.
Chhatu Sah (P.W. 7) Counting Agent.

Witnesses examined on behalf of the respondent:
D. Sarkar (R.W. 6) A.R.D.
Umashankar Singh (R.W. 19) Counting Agent.
Ramji Prasad Singh (R.W. 33) Counting Agent.
Shiva Nand Das (R.W. 24) Counting Supervisor.
Lakshmi Narain Roy (R.W. 26) Counting Supervisor.

18. Evidence of all these witnesses follows the same pattern. I shall refer to a few of them and that will serve the purpose. To begin with I take up the Hajipur Assembly Constituency segment. Evidence of the counting agent (P.W. 19) is that 445 ballot papers had seal on the Charkha Symbol. This symbol was of Congress (Organisation) Party but there was no official seal nor signature of the Presiding Officer on them and these were counted in favour of respondent No. 1. On 52 ballot papers seal was on the symbol of other candidates; there were 35 ballot papers where seal was put on the shaded portion and all these were counted in favour of the respondent No. 1. There were 34 ballot papers which should have been counted in favour of the petitioner but since the seal was touching the shaded portion, they were cancelled. 31 ballot papers having seal on the symbol of the petitioner were counted in favour of respondent No. 1. These ballot papers were in different bundles. On the back of 27 ballot papers seal was put and these were counted in favour of respondent No. 1. On 21 ballot papers seal was put at two or three places and these were counted in favour of respondent No. 1. Nine blank ballot papers were counted in favour of respondent No. 1. In this manner 667 ballot papers were incorrectly counted in favour of respondent No. 1. He has further deposed that rejection seal used to be put on the counting table and that he raised oral objection to the Supervisor but he did not pay heed to it. It has been taken out from him that he noted down the above

irregularities on a piece of paper but that was not with him. He threw it away after eight or nine days of the counting. He has admitted that he knew that the Supervisor was not competent to put the rejection seal but he did not file any complaint in writing. This witness is a member of Janta Party and in 1967 he had stood as a candidate for the Assembly Constituency on the ticket of Janta Party and his security was forfeited. It is not understandable that a person of his experience would have allowed these illegalities and irregularities to have been committed without putting objection in writing.

19. Evidence of the counting agent (P.W. 14) is as follows: Sixty blank ballot papers were counted in favour of respondent No. 1. On the back of fifty ballot papers there was seal of respondent No. 1 and these were counted in favour of respondent No. 1. On 25 ballot papers the seal of the petitioner was near his name, but these were cancelled. On 390 ballot papers, there was seal of respondent No. 1 but there was no seal nor signature of the Presiding Officer but these were counted in favour of respondent No. 1. There were six bundles of which three had 48 ballot papers each and three had 45 ballot papers each, but they were counted as bundles of 50 each in favour of respondent No. 1. There were 50 ballot papers which had seal on the shaded portion, but these were counted in favour of respondent No. 1. The witness has further deposed that the rejection seal used to be put by the Supervisor and he had made oral complaints to the Supervisor but he did not pay heed to it. This witness had noted down the irregularities on a piece of paper but the same was missing at the time he gave evidence. In order to test his memory a question was put to him as to the date of his birth that was entered at the time of his admission in the Primary School. He could not say that.

20. On the point of irregularities Makhan Rai (P.W. 2) counting agent on behalf of the candidate Bachu Lal stated as follows: there were about 400 ballot papers which did not contain official seal and signature of the Presiding Officer, but those were counted in favour of respondent No. 1, some ballot papers which should have been counted in favour of the petitioner and Awadhbihari Singh were counted in favour of respondent No. 1. This witness has admitted that he did not file any written complaint before anybody and that the first time that he spoke about these irregularities was when he gave his evidence in this Court.

21. Before I refer to the evidence adduced on behalf of the respondent in this regard it would be relevant to refer to the arrangement made by the authorities concerned in the matter of counting. The Returning Officer Shri Arun Kumar Bose (R.W. 21) has deposed that he had appointed six Assistant Returning Officers and made each one of them incharge of each of the six segments of the Parliamentary Constituency. He had delegated powers to those Assistant Returning Officers to be incharge of counting. Shri R. N. Verma (R.W. 2) was the S.D.O. at Hajipur in those days. Materials for election were supplied by the Hajipur Election Officer and that office was under his direct control. He has stated that he had supplied one rejection seal for each segment. Shri Kashi Nath Das (R.W. 4) was the Magistrate incharge of the election work. The election office was under his control and he was responsible for supplying materials to the officers for counting. He stated that he had given one rejection seal to each of the eight segments. He has further stated that in the samana where the counting was going on electric connection had been done by the Electricity Works Department and electricity was being supplied by the Supply Division of that Department. Besides this there was a generator and its line also ran parallel to the above line. In addition to this there were some petromaxcs which were kept burning by way of standby arrangement.

22. Now let us see that is the kind of evidence that has been adduced on behalf of the respondent to controvert the allegations made by the P.Ws. 14, 19, and 20. Evidence on behalf of the respondent in respect of this segment consists of as already stated above, the Assistant Returning Officer (R.W. 25), Counting Supervisors (R.Ws. 10 and 12) and counting agents (R. Ws. 29 and 32). R. W. 25 has deposed that there was only one rejection seal in his segment which was in his custody and it was he who used to put the rejection seal after personally scrutinising the doubtful ballot papers. He had denied the kind of illegalities and irregularities that have been stated by the P.Ws and also said that no candidate nor any of his counting agents complained to him regarding any irregularity in the matter of counting.

23. The Supervisor (R.W. 10) has deposed that he was not provided with any rejection seal and it was not he who put the rejection seal. He had denied the illegalities and irregularities which are said to have been committed. Similar is the evidence of the other Counting Supervisor (R.W. 12). The Counting agent (R.W. 29) has denied that objections raised were not listened to by the authorities concerned. The other counting agent (R.W. 32) has also deposed that no counting agent on behalf of the petitioner had raised any objection.

24. Regard being had to the kind of evidence that has been adduced it is difficult to uphold the testimony of the three witnesses examined on behalf of the election petitioner. There is nothing to corroborate them. The best evidence that was in their possession and on which they noted down the irregularities and the illegalities, have not been produced. Manifestly, no reliance can be placed upon their oral testimony based on memory and given after lapse of so much time. Moreover, the kind of witnesses that the respondent has examined on his behalf and in view of what they have deposed, it is difficult to uphold the testimony of the witnesses examined on behalf of the petitioner.

25. Evidence being of the same pattern it is not necessary to refer to the kind of evidence that has been adduced in respect of each of the other five assembly segments. I would, however, take up one more segment, say, the Lalganj Assembly segment. On behalf of the petitioner there is evidence of his four counting agents, namely, P.Ws. 3, 5, 6, and 7. P.W. 3 has stated that counting commenced at 8 A.M. on the 10th and it continued till 1 A.M. on the 11th and the following irregularities were committed. There were 21 ballot papers which had two seals on them and though they should have been rejected, they were counted in favour of respondent No. 1. There were 32 such ballot papers which should have been counted in favour of candidates other than the petitioner and respondent No. 1. There were nine blank ballot papers and these were counted in favour of respondent No. 1. There were 19 such ballot papers which had seal on the shaded portion, yet these were counted in favour of respondent No. 1. There were 24 ballot papers on which seal had been put on the back of the symbol of respondent No. 1, but still they were counted in favour of respondent No. 1. There were 306 ballot papers which did not contain the seal or signature of the Presiding Officer, but they were counted in favour of respondent No. 1. There were 19 ballot papers in which the seal was put in the compartment meant for the petitioner but slightly away from the symbol, but these were rejected. One bundle containing 45 ballot papers and another containing 47 ballot papers were counted as 50 each in favour of respondent No. 1. He used to look to the counting on other tables also and similar irregularity was committed there also. He says he made complaint to the Supervisor and that the seal of rejection of ballot papers used to be put by the Supervisor.

26. He has admitted that he did not file any complaint in writing before the A.R.O. (Assistant Returning Officer). He had kept a detailed note of the irregularities committed on a piece of paper but that paper was not produced. In order to test his memory he was asked to say whether he could say the order in which the names and symbols of each of the candidates were printed on the ballot papers. He replied in the negative.

27. P.W. 5 has spoken of the following irregularities. Twenty five ballot papers containing seal of respondent No. 1 and another candidate, were counted in favour of respondent No. 1. Fifteen ballot papers which had seal on the hut, were counted in favour of respondent No. 1. Twenty blank ballot papers were counted in favour of respondent No. 1. Ten ballot papers on the back of which occurred the seal of respondent No. 1 against the compartment meant for respondent No. 1, were counted in favour of respondent No. 1. Eight ballot papers having seal on the shaded portion were counted in favour of respondent No. 1. About 225 ballot papers having no seal or signature of the Presiding Officer, were counted in favour of respondent No. 1. 30 ballot papers were rejected upon which the seal was on the name of the petitioner and not on his symbol. There were two bundles; one containing 44 ballot papers and another 47, and they were counted as 50 each in favour of respondent No. 1. He had raised objections to the Supervisor but the latter said that whatever was being done, was correct. He has also stated that the rejection seal used to be put on the table by the Supervisor, and that the irregularities deposited to by him were also noticed on other tables. In his cross-examination he has admitted that the piece of paper on which he had noted down the figures was missing. Curiously enough when he met the petitioner two or three days after the counting he did not tell him the figures which he, from his memory attempted to reproduce at the hearing. He has also admitted that he did not file any complaint to the Returning Officer.

28. About the irregularities evidence of P.W. 6 is as follows: There were 25 ballot papers which contained the seal of either the petitioner or of any other candidate, but these were counted in favour of respondent No. 1. There were 27 ballot papers which contained seal of respondent No. 1 as also of other candidates but these were counted in favour of respondent No. 1; there were 30 ballot papers which contained seal on the shaded portion but these were counted in favour of respondent No. 1; 35 ballot papers contained seal of respondent No. 1 on the back of the compartment meant for him but these were counted in favour of respondent No. 1; 37 blank ballot papers were counted in favour of respondent No. 1; 275 ballot papers which contained seal of respondent No. 1 all right but there was no seal or signature of the Presiding Officer on their back and these were counted in favour of respondent No. 1; 20 ballot papers were rejected where the seal of the petitioner was not on the symbol but near about his name. There were five bundles which contained 48, 48, 45, 45 and 49 ballot papers each but these were counted as 50 each. The rejection seal used to be put on the table by the Supervisor. This witness has also admitted that he did not make any complaint in writing to any one. He was elected as Secretary of the Multi Purpose Co-operative Society of his village in December, 1970. It was taken out from him that he did not remember the exact date intending to show that if his memory fails him in respect of such an important event of his life he cannot be believed in respect of the figures of illegalities and irregularities which he chose to reproduce from memory.

29. P.W. 7 says that he noticed the following irregularities. There were 29 ballot papers where the seal was put either on the petitioner's symbol or on the symbol of other candidate but these were counted in favour of respondent No. 1; there were 25 ballot papers which contained seal on the symbol of respondent No. 1 and of other candidate but these were

counted in favour of respondent No. 1; there were 30 ballot papers where the seal was on the shaded portion but these were counted in favour of respondent No. 1; there were 35 ballot papers on the back of which was the seal of the respondent No. 1 but these were counted in favour of respondent No. 1; there were 36 blank ballot papers but these were counted in favour of respondent No. 1; there were 250 ballot papers which did not contain the seal and signature of the Presiding Officer but these were counted in favour of respondent No. 1. There were 5 bundles out of which two contained 45 ballot papers each and three contained 46 ballot papers each but these were counted as 50 each in favour of respondent No. 1. Forty ballot papers were rejected which contained the seal of the petitioner near his name but not on his symbol. He has further deposed that the Supervisor used to put the rejection seal on his table and that he had orally complained about it to the Supervisor. This witness also has not produced the chit of paper on which he says he had noted down the irregularities. Curiously enough he says that when he met the petitioner four or five days after the counting he did not tell him the different figures which he has given now and that it was for the first time while giving evidence that he spoke about these details. He too has admitted that he did not file any complaint in writing before the Assistant Returning Officer.

30. Above is the kind of evidence adduced on behalf of the petitioner.

31. Let us now see what is the kind of evidence adduced on behalf of the respondent. To begin with, reference may be made to the testimony of the Assistant Returning Officer (R.W. 6). He has deposed that no counting agent nor any candidate made any complaint whatsoever to him regarding any illegally or irregularity in the matter of counting. He has denied the different irregularities and illegalities that are said to have been committed. His further evidence is that only one rubber seal for rejection was supplied to him and that was under his custody. Before rejecting the ballot papers he used to scrutinise the same and then put the rejection seal. He had made a test check of the counted ballot papers. The two Supervisors are R.W. 24 and 26. R.W. 24 has denied that he has provided with any rejection seal and that he used to reject the ballot papers on the counting table. He has stated that the doubtful ballot papers used to be sent to the Assistant Returning Officer. He has also denied that kinds of illegalities and irregularities about which the P.W.s. have spoken. Similar is the evidence of the other counting Supervisor P.W. 26.

32. The respondent has examined two of his counting agents also. They are R.W.s. 19 and 33. Evidence of R.W. 19 is that he was present in the counting segment from the beginning till the end. He has denied the different illegalities and irregularities deposed to by the P.W.s. Similar is the evidence of R.W. 33.

33. I have reproduced above the kind of evidence that has been adduced or behalf of the parties in respect of their rival contentions. For the reasons which I have assigned while rejecting the case of the petitioner in respect of the Hajipur Assembly Constituency, I reject the testimony of his witnesses in respect of this Assembly Constituency also.

34. Regarding has to the identical kind of evidence in respect of the remaining four Assembly constituencies, it would be futile to refer to them and the reasons which have weighed with me in rejecting the testimony of the petitioner's witnesses in respect of Hajipur and Lalgunj Assembly Constituencies apply with equal force in respect of the remaining four Assembly segments also.

35. On the question of rejection of ballot papers by the Counting Supervisors of different assembly segments, however, I will refer to the evidence that has

been adduced on behalf of the parties. There is evidence of P.Ws. 1 to 15, 17 and 19 in this regard. Evidence of all these witnesses is of the kind that it was the Counting Supervisors who used to reject the ballot papers. In other words this was not done by the Assistant Returning Officers. The above witnesses have also stated that complaints made by them to the Counting Supervisors remained unheeded. I have stated above that except their oral testimony there is nothing to corroborate them. As against this, there are a large number of witnesses examined on behalf of the respondent to controvert the above allegations. Of them R.Ws. 10 to 12, 14 to 17, 22 to 24 and 26 are the different Counting Supervisors. They have deposed that they were not provided with any rejection seal and that they did not reject the ballot papers. They have also denied the allegations that complaints made to them went unheeded. They are supported by the different Assistant Returning Officers. They are R.Ws. 1, 3, 5, 6, 25 and 35. Besides these Assistant Returning Officers I have deposed that the seal had been entrusted to the Assistant Returning Officers. Reference to some of the witnesses named above have already been made while dealing with Hajipur and Lalganj Assembly constituencies. Thus on a consideration of the materials on record I have no hesitation in rejecting the petitioner's case that the ballot papers used to be rejected by the counting Supervisors and that on complaints being made to them they did not listen to the same.

36. Besides examining his counting agents who had worked on his behalf in different assembly segments, the petitioner also has pledged his oath on the point of improper and illegal acceptance or rejection of ballot papers. He (P.W. 18) has deposed that there were some ballot papers, which had no official seal nor signature of the Presiding Officer, but only the seal and symbol of Respondent No. 1 and these were counted in favour of respondent No. 1. There were some ballot papers, which had seal of respondent No. 1 on the back of the ballot papers and these were counted in favour of respondent No. 1. There were some ballot papers containing seal on the symbol of respondent No. 1 and on the symbol of other candidates and these were counted in favour of respondent No. 1. There were some ballot papers which had seal on the symbol of respondent No. 1 near the shaded portion and these were counted in favour of respondent No. 1. There were some ballot papers which had seal near the name of the petitioner, but these were counted in favour of respondent No. 1; some blank ballot papers were counted in favour of respondent No. 1. Some bundles did not contain 50 ballot papers but these were counted as 50 each in favour of respondent No. 1. Some ballot papers of other candidates were also counted in favour of respondent No. 1. There were more than 8000 such ballot papers, which had been irregularly counted in favour of respondent No. 1. It will be noticed that evidence of this witness is extremely vague. He has no personal knowledge inasmuch as according to his own case he was not present in the counting hall during the course of counting. I shall have occasion to deal with this part of his evidence presently. Some of the counting agents from whom he derived his knowledge have stated that they did not intimate the figures of different illegalities and irregularities to the petitioner. The chits of papers on which the figures were noted were not handed over to him. Therefore, his testimony that there were more than 8000 such ballot papers which had been irregularly counted in favour of respondent No. 1, is vague and indefinite and manifestly cannot be relied upon.

37. The petitioner (P.W. 18) has examined himself to say that on hearing the news of his wife's illness at Patna he had to leave the counting hall at about 9.30 A.M. On March 10, 1971 meaning thereby that he could not make any complaint or file any written complaint during the course of counting. He has further deposed that next morning he could contact the District Magistrate and inform him about the irregularities and requested him for a recount but he

expressed his inability. It would thus be necessary to see how far the petitioner's evidence on this point can be upheld. His evidence is of the following kind. On March 9, 1971 when he left Patna for Hajipur his wife was slightly ill and not particularly ill. His servant Rajendra came to him between 7 and 8 A.M. on March 10, 1971 at Hajipur and told him that his wife was running high temperature and that she had conic pain. Accordingly, he came from Hajipur to Rahiaghath on a jeep and crossed the river on Railway steamer and reached Patna at about 12.30 P.M. He consulted Dr. N. C. Sen, an allopath, who prescribed medicine and the temperature came down the next day. Before leaving Hajipur he had asked Birendra Kumar to apprise him of the counting situation by means of telephone. Birendra Kumar, however, did not give him any information. At night he booked a call for Hajipur by telephone No. 32 but he could not get any news. At 6 A.M. next day, that is, on March 11, 1971, he could talk to his counting agent Rajeshwar Prasad Singh at Hajipur who told him about the irregularities that had been committed in the course of counting. P.W. 18 wanted to catch the private ferry steamer to go to Muzaffarpur but he missed it so he booked a call for the District Magistrate, (Officer). The call material requested him for a recount on account of the irregularities that were committed at the time of counting. But the Returning Officer expressed his inability as he was going to announce the result and that people had already collected.

38. In support of his contention, the petitioner has examined P.Ws. 6, 7, 8, 9, and 18. They are all his counting agents. P.W. 6 has deposed that he had met the petitioner at 8 A.M. on the counting day and thereafter he met him five days later. He volunteered that his wife had fallen ill so he had to go to Patna on the counting date. P.W. 7 has deposed that he did not meet the petitioner after 8.30 A.M. on the counting day. Similar is the evidence of the P.W. 8. P.W. 9 has deposed that at 9 A.M. on March 10, 1971 the petitioner told him in the counting hall that his wife had fallen ill so he had to go to Patna.

39. As against the above evidence adduced on behalf of the petitioner, the respondent has examined a large number of witnesses to say that the petitioner was all along in the counting hall during the course of counting. Those days P.W. 1 was an Additional Collector at Muzaffarpur and had worked as Assistant Returning Officer. He has deposed that he had met the petitioner in the forenoon and in the afternoon on the counting date. R.W. 4 was the Magistrate Incharge of election. He has stated that he had seen the petitioner in the morning. R.W. 5 was the District Land Acquisition Officer and had worked as the Assistant Returning Officer. He has stated that the petitioner was present in the counting hall all along and that he had met him at 10 P.M. on that date. R.W. 6 was posted as the District Welfare Officer and had acted as the Assistant Returning Officer. He stated that he had met the petitioner at 12.30 A.M. or 1 A.M. on March 11, 1971. Respondent No. 1 has examined himself as R.W. 8. According to him the petitioner was present in the counting hall till 10 or 11 P.M. on the counting date. R.W. 10 was the cooperative Supervisor and had acted as counting supervisor. He had seen the petitioner till 9 or 9.30 P.M. on the counting date.

40. Then there is the evidence of other witnesses also, namely, R.Ws. 14, 16 to 22, 22 to 26 and 28 to 35 to show that the petitioner was present in the counting hall in the afternoon or in the evening and that he was not away from Hajipur as is claimed by him.

41. Besides the overwhelming evidence of responsible persons on behalf of the respondent testifying to the presence of the petitioner in the counting hall all along, there are intrinsic materials in the evidence of the petitioner himself to cast doubt on his case.

According to the petitioner (P.W. 18) he has two sons and none of them was at Patna on the counting date. It seems that except the servant Rajendra there was no male member in the house on that date. In the circumstances, it is difficult to believe that the servant Rajendra will be sent from Patna to Hajipur to convey the news of illness of the petitioner's wife to him when the purpose could effectively be served by means of a telephonic call. The doctor who is said to have treated the petitioner's wife has not been examined nor any other evidence produced in support of the wife's illness. It does not stand to reason that the petitioner, who was actively fighting out the election, would suddenly leave the counting hall without asking anybody to look after the counting in his absence. The conduct of Birendra Kumar Jaiswal (P.W. 9) is also surprising. The petitioner is *phupha* of Birendra Kumar Jaiswal (P.W. 9). Birendra Kumar has deposed that at night he did not try to telephone the petitioner nor did he come to Patna. P.W. 9 says he had worked as the counting agent of the petitioner and had noticed the illegal acceptance and rejection of ballot papers. It is difficult to believe him that having been requested by his *phupha* to inform him about the counting progress he would not do so when he himself had noticed so many illegalities and irregularities. Therefore, on the evidence as brought on record I have no hesitation in rejecting the petitioner's evidence that because of his wife's illness he was not in the counting hall during the course of counting and as such he could not make any complaint or file any written complaint before the authorities on the counting date.

42. Regarding telephonic conversation on March, 11, 1971 with the petitioner, evidence of the Returning Officer (R.W. 21) is that prior to the declaration of the result he did not receive any complaint either from the candidate or from their counting agents or anybody on their behalf. About half an hour after the declaration of the result he received a telephonic call and the man speaking on the other end was Balmiki Choudhary, the petitioner of this case. On the request for recount the witness replied that since the result had already been announced there was no scope for recounting. Therefore, evidence of the Returning Officer is also of no avail to the petitioner. In fact, his evidence belies the petitioner in one respect, namely, that the talks between the petitioner and the Returning Officer was after the declaration of result and not prior to it as is claimed by the petitioner.

43. In paragraphs 10 and 11 of the election petition grievance has been made against the method adopted in doing the scrutiny and counting of ballot papers. It is stated in paragraph 10 that the process of the scrutiny and counting of the ballot papers was complicated and that all the ballot papers were taken out from the ballot boxes and were divided in bundles and mixed in a drum and then counted and made in bundles of fifty. Paragraph 11 says that the process was tiring and expanded and that there was no control and regularity in scrutinising and counting the ballot papers.

44. Petitioner's witnesses have testified to the method of counting as referred to in paragraph 10 above. They have, however, not affirmed that it was complicated. P.W. 2 has stated that the counting commenced at 8 A.M. and continued till 10 P.M. Evidence of P.Ws. 3 and 5 is that the counting continued till 1 A.M. the same night. None of the witnesses, however, have set out any material to show that there was no control and regularity in scrutinising and counting the ballot papers.

45. The method adopted in doing the counting and on which the petitioner's witnesses have led evidence and which has been referred to above has not been

shown to be contrary to law. Rule 56 of the Conduct of Election Rules says:

"Subject to such general or special directions, if any, as may be given by Election Commission in this behalf, the ballot papers taken out of all boxes used in a constituency shall be mixed together and then arranged in convenient bundles and scrutinised."

The detailed instructions in this regard will be found at pages 75-76 of the Hand Book for Returning Officers. I do not find anything in the method of counting adopted which runs counter to the aforesaid rule 56 and the Instructions given to the Returning Officers.

46. So far as the continuous counting is concerned, this also cannot be helped. Rule 60 of the Conduct of Election Rules, 1961, is clear on the point. It says:

"The Returning Officer shall, as far as practicable, proceed continuously with counting and shall, during any intervals when the counting has to be suspended, keep the ballot papers, packets and all other papers relating to the election sealed with his own seal and the seals of such candidates or election agents as may desire to affix their seals and take sufficient precaution for their safe custody during such intervals."

There is no grievance that during the interval any violation of this Rule was committed. Therefore, there is nothing to uphold the objections raised in paragraphs 10 and 11 of the election petition.

47. In paragraph 12 of the election petition allegation has been made that there was no proper arrangement of light and because of the frequent failure of electricity, counting staff had the full privilege to do partiality by putting votes of other candidates in favour of respondent No. 1. In support of this averment there is evidence of P.W.s 8, 17, 19 and 20. P.W. 8 has deposed that the *samiana* had loose wiring and at 9 or 9.30 P.M. on March 10, 1971 electric light went off for about 10 or 15 minutes and during this period also ballot papers were being handled by the counting staff. He has admitted that although he was a counting agent he did not file any petition before any authority saying that during the failure of electric light counting staffs were handling the ballot papers. Against this witness and his father a criminal case under section 420 and 120B of the Indian Penal Code is pending. P.W. 17 has deposed that there was failure of electric light between 9 and 9.30 P.M. for about ten minutes and even during this period of darkness ballot papers were handled. He has further stated that during the breakdown he had noticed 30 or 35 ballot papers in the hands of the two members of the counting staff. This witness in his examination-in-chief gave out numbers of ballot papers which were illegally or improperly accepted or rejected. In those figures he did not include these 30 to 35 ballot papers. On being cross-examined he said that it was because he did not recall this fact at that time. Evidence of P.W. 19 is that *kachha* wiring was done in the *samiana* where bulbs and tube lights were fitted and that after 9 P.M. for ten or twelve minutes, there was failure of electricity. This witness had stood as a candidate for the Assembly Constituency in 1967 and his security was forfeited. Evidence of P.W. 20 is that there was failure of electric light at 9 A.M. for about ten minutes. Suggestion was put to all these witnesses whether besides the electric connection there was a generator working and petromax burning. They denied this suggestion. It is to be noticed that the above P.Ws do not speak about the frequent failure of electricity nor that during the breakdown period the counting staff did any partiality.

48. All the facts testified to by the P.Ws have been denied by the respondent and he has examined witnesses to show that there was no failure of electricity and that there was triple arrangement for the

lighting purpose. Evidence in this regard consists of R.Ws. 1 to 12, 14 to 22 to 28 and 30 to 35. Bills and other papers showing payment of Choudhary Electric Company from where the generator was obtained and of Jawanar Choudhary from whom petromaxes were hired have been proved. Then there is non-interruption certificate, showing that during the course of counting there was no interruption in the supply of electricity.

49. Of the above witnesses R.Ws. 1,3,5,6,25 and 35 are the Assistant Returning Officers Incharge of each of these segments. R.Ws. 10 to 12, 14 to 17 and 22 to 24 are the Counting Supervisors. R.Ws. 18, to 20, 28 and 30 to 34 are the Counting agents. All of them have denied the failure of electricity and other allegations made by the petitioner's witnesses.

50. R.W. 2 Shri R. N. Verma was the Sub-divisional Officer of Hajipur those days. He has deposed that the lighting arrangement was done under his supervision. Counting was done in a *samiana* enclosed on all sides and its electric connection had been done by the Electricity Works Department. Besides, one generator was hired and this was kept in running condition all along. Electric connection from this generator was also made in the *samiana* so that in case of failure of electricity from the main line, electricity from the generator will be supplied. The third safeguard was hiring of petromaxes which were kept burning in the *samiana*. He has also stated that he passed the bill for the generator which was taken on hire from Choudhary Electric Company. He has proved his endorsement (Ext. E) on it.

51. R.W. 4 the Magistrate Incharge of the election work has deposed that the line from the generator and from the main ran parallel and that in addition some petromaxes were kept burning by way of standby arrangement. He has also proved the bill for supply of the generator by the Choudhary Electrical Company and bill for hiring petromaxes, which was checked and passed by Mr. Akbari (vide Exts. E/2 and E/3). R.W. 7 is the Headclerk who has been examined in connection with the bill from the Choudhary Electrical Company. He has proved the endorsement of the proprietor Satya Narain Choudhary in token of having received the payment. R.W. 9 is the Nazir of the court of Subdivisional Officer, Hajipur. He has spoken about the three types of lighting arrangements and the fact that he had checked the bill for the petromaxes supplied by Jawahar Choudhary and the bill was passed by Mr. Akbari, Nazarat Deputy Collector. In token of having received the hire charge, the proprietor Jawahar Choudhary put down his signature (Ext. E/9) upon the bill. R.W. 27 was posted as Engineer Assistant in the Electricity Department at Hajipur. He was incharge of supply of Electricity in the counting enclosure was from the local power house and that on the day of counting there was no interruption in the supply of electricity and that in case of interruption in the supply of electricity the fact is noted. He has proved the certificate (Ex. F).

52. From the materials discussed above the allegations made in paragraph 12 and the evidence led by the petitioner in this regard cannot be upheld.

53. In paragraph 13 of the election petition grievance has been made of the fact that several unauthorised and undesirable persons, who were working for respondent No. 1 managed to have their entry into the counting compartments and thereby created confusion and did manoeuvring. This has been denied by the respondent and there is evidence of R. S. 4,8,18,19 and 28 in this regard. R.W. 4 the Magistrate incharge of election work has deposed that no unauthorised person was admitted within the counting enclosure at any point of time. The respondent (R.W. 8) has stated that entry pass had to be shown before one could get into the counting hall. Evidence of R.W. 18, the counting agent, is that there was arrangement of police to maintain law and order and that no unauthorised person was admitted

in the *samiana* and entry was regulated by means of pass. Similar is the evidence of another counting agent (R.W. 19). He himself possessed a gate pass. R.W. 29, the third counting agent has also deposed likewise.

54. Not only that there is evidence of the above witnesses of respondent on this point but even witness Nos. 2 and 3 examined on behalf of the petitioner have admitted this fact. Evidence of P.W. 2 is that in order to enter into the counting compartment he had to show his entry pass at the gate. He had also to show his pass while entering into the particular compartment. Evidence of P.W. 3 is that he had to show his gate pass while entering into the *samiana* and also while entering into any particular compartment. He had noticed a constable at the entrance of the *samiana*. There is no evidence on behalf of the petitioner to substantiate the allegations made in paragraph 13 of the election petition and regard being had to the evidence that is on record and discussed above, this contention of the petitioner must also be held to have been not proved.

55. So far as paragraphs 15 to 20 of the election about the continuous counting which started from galities and irregularities and improper acceptance and rejection concerning ballot papers and these have been already discussed above and have been found to have been not substantiated.

56. Paragraph 21 of the election petition speaks about the continuous counting which started from 8 a.m. on March 10, 1971 and went on till 3 a.m. on March 11, 1971 and that the counting was being conducted in great haste and the objections raised on behalf of the petitioner remained unheard. I have already dealt with this aspect of the matter and have held that the petitioner's case in this regard also cannot be upheld.

57. Regard being had to the findings recorded above it must be held that the counting and scrutiny of ballot papers were done in accordance with law and that there was no improper acceptance, refusal or rejection of votes as alleged in different paragraphs of the election petition, and naturally, therefore, the result of the election has not been affected, as such issue No. 2 must be decided in the affirmative and issue No. 3 in the negative.

58. Issue No. 4.—In paragraph 32 of the election petition it is stated that because of illegal and improper scrutiny and counting of ballot papers, more than 8,000 ballot papers which were either fit to be rejected or were of other candidates, were counted in favour of respondent No. 1. and more than 1,000 ballot papers which were fit to be accepted in favour of the petitioner, were illegally rejected and this has materially affected the result of the election.

59. In paragraph 23 it is stated that had the ballot papers been counted according to law and without partiality the petitioners would have received majority of valid votes and he would have been declared elected. I have found above that no case of improper or illegal acceptance or rejection of ballot papers has been proved and that being so, there is no substance in either of the averments made in paragraphs 22 and 23 of the election petition.

60. Issue No. 5.—In the result the petitioner is entitled to no relief. The election petition is accordingly dismissed with costs and pleader's fee Rs. 500/-.

Let a substance of this decision be immediately sent to the Election Commission and the Speaker of the Lok Sabha and thereafter an authenticated copy

of this decision be sent to the Election Commission as soon as possible.

(Sd.) J. NARAIN,
[No. 82/BR/1/71.]

Patna High Court:

The 19th May, 1972.

New Delhi, the 27th June 1972

S.O. 2688.—In exercise of the powers conferred by sub-section (1) of section 13A of the Representation of the People Act, 1950, the Election Commission in consultation with the Administration of the Union Territory of Chandigarh, hereby nominates Shri B. S. Ojha, Home Secretary, Union Territory of Chandigarh as the Chief Electoral Officer for the Union Territory of Chandigarh from the forenoon of 12th June, 1972 and until further order vice Shri S. N. Bhanot.

[No. 154/CH/72.]

भारत निर्वाचन आयोग

दिल्ली, 27 जून, 1972

एस० ओ० 2688.—जोक प्रतिनिधित्व अधिनियम, 1950 की धारा 13-क की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निर्वाचन आयोग चण्डीगढ़ संघ राज्य क्षेत्र के प्रशासन के परामर्श से श्री एस० एन० भानोट के स्थान पर, श्री बी० एस० ओज्ञा, गृह सचिव, चण्डीगढ़ संघ राज्य क्षेत्र, को चण्डीगढ़ संघराज्य क्षेत्र के लिए मुख्य निर्वाचन आफिसर के रूप में 12 जून, 1972 के पूर्वान्हि से अगले आदेशों तक एतद्वारा नामनिर्देशित करता है।

[स० 154/चण्डीगढ़/72]

New Delhi, the 18th July 1972

S.O. 2689.—In exercise of the powers conferred by sub-section (1) of section 13A of the Representation of the People Act, 1950, the Election Commission in consultation with the Government of Himachal Pradesh, hereby nominates Shri L. Hmingliana Tochhawing, Financial Commissioner, Himachal Pradesh, as the Chief Electoral Officer for the State of Himachal Pradesh with effect from 17th June, 1972 (A.N.) and until further orders, vice Shri K. C. Pandeya.

[No. 154/HP/72.]

दिल्ली, 18 जुलाई 1972

एस० ओ० 2689.—जोक प्रतिनिधित्व अधिनियम, 1950 की धारा 13 क की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निर्वाचन आयोग हिमाचल प्रदेश सरकार के परामर्श से श्री क०सी० पाण्डेया के स्थान पर, श्री एल० हमिंगलियाना तोलावांग, वित्तीय आयुक्त, हिमाचल प्रदेश को 17 जून, 1972 (अपराह्न) से अगले आदेशों तक हिमाचल प्रदेश राज्य के लिए मुख्य निर्वाचन आफिसर के रूप में एतद्वारा नाम निर्देशित करता है।

[स० 154/हिंप्र०/72]

New Delhi, the 21st July 1972

S.O. 2690.—In pursuance of section 111 of the Representation of the People Act, 1951, the Election Commission hereby publishes the order dated the 20th June, 1972 of the High Court of Orissa of the withdrawal of Election Petition No. 2 of 1971.

IN THE HIGH COURT OF ORISSA

On
Order-sheet
Election Petition No. 2 of 1971
Biju alias Bijoy ananda Patnaik.—Petitioner.
Versus
Dutikrishna Panda and another.—Respondents.

Serial No.	Date of Order	Order with signature
------------	---------------	----------------------

32. 20-6-1972 Heard the learned Advocates.

The application for withdrawal has been allowed by this Court and it has been published in the Orissa Gazette dated 5th May, 1972. No person has come forward to be substituted in place of the petitioner. The case is closed. A report of the fact that the case has been withdrawn be made to the Election Commission as required under Section III of the Representation of the people Act, 1951.

Sd./- G. K. MISRA.
[No. 82/OR/271.]

New Delhi, the 25th July 1972

S.O. 2691.—In exercise of the powers conferred by sub-section (1) of section 13A of the Representation of the People Act, 1950, the Election Commission, in consultation with the Government of Maharashtra, hereby nominates Shri L. M. Nadkarni, Special Secretary to Government, General Administration Department, as the Chief Electoral Officer for the State of Maharashtra from the date he takes over and until further orders vice Shri J. C. Fernandes.

[No. 154/MT/72.]

दिल्ली, 25 जुलाई 1972

एस० ओ० 2691.—लोक प्रतिनिधित्व अधिनियम, 1950 की धारा 13 क की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निर्वाचन आयोग, महाराष्ट्र सरकार के परामर्श से, श्री एन० एम० नड्करनी, विशेष सचिव महाराष्ट्र सरकार सामान्य प्रणाली विभाग, को उनके कार्यभार ग्रहण करने की तारीख से अगले आदेशों तक श्री जे० सी० फासना नडेम के स्थान पर, महाराष्ट्र राज्य के लिए मुख्य निर्वाचन आफिसर के रूप में एतद्वारा नाम निर्देशित करता है।

[स० 154/महा०/72]

New Delhi, the 27th July 1972

S.O. 2692.—In pursuance of section 106 of the Representation of the People Act, 1951, the Election Commission hereby publishes the order dated the 27th April, 1972 of the High Court of Madhya Pradesh, Jabalpur, in Election Petition No. 4 of 1971.

IN THE HIGH COURT OF MADHYA PRADESH
JABALPUR
BEFORE HON'BLE SHRI JUSTICE SURAJBHAN
GROVER

ELECTION PETITION No. 4 of 1971

Ramsevak, aged about 40 years son of Ramcharan Shrivastava, Kayasth agriculturist, resident of village Lerol, Tahsil Lahar, District Bhind Post Kard—Petitioner.

Vs.

1. Vijaya Raje Scindia W/o. Late H. H. Jiwaji Rao Scindia, aged about 52 years resident of Jai Vilas Palace, Jainderganj, Gwalior-1, Tahsil and District Gwalior, Post Office Lashkar city (Gwalior)
2. Yashwant Singh Kushwah S/o Rajaram Singh, aged about 55 years, occupation Public Worker, Agriculturist, resident of Laxmibai Colony, Maharani Laxmibai Road, Ward No. 24, Tahsil and District Gwalior Post Office Gwalior.

—Respondents.

Petition under section 81 of the Representation of the People Act, 1951

1. Shri A. B. Mishra	Advocates	Counsel for the Petitioner
2. Shri P. L. Dubey		
3. Shri R. K. Tankha		
4. Shri S. S. Mishra		
5. Shri U. N. Bachawat		
6. Shri S. K. Dubey		
7. Shri R. C. Dixit	Advocate	Counsel for Respondent No. 1
8. Shri A. S. Jha		
9. Shri K. A. Chitale		
10. Shri H. G. Mishra	Advocate	Counsel for Respondent No. 2
11. Ranooi Rao Shinde		
12. Shri A. K. Chitale		
13. Shri V. G. Khot		
14. Shri P. L. Mishra		

ORDER

This is an election petition filed by Ramsevak, an elector in the Bhind Parliamentary Constituency, under section 81 of the Representation of the People Act, 1951, hereinafter called the Act, for declaring the election of respondent No. 1, a successful candidate at the mid-term Parliamentary Lok Sabha election of 1971, to be void on the ground that she is guilty of committing corrupt practices enumerated in paragraphs 10 and 11 of the petition.

2. Nine persons filed their nomination papers for election to the Bhind Parliamentary Lok Sabha constituency which was held on 4th of March 1971, but five out of them withdrew on the date fixed for the purpose and ultimately four persons contested the election. The respondent No. 1 contested the election as an independent candidate, but she had obtained 'Deepak' (Lamp) as her symbol which was a symbol of the Bhartiya Jan Sangh and she was declared successful having secured 2,13,771 votes, while Shri Narsing Rao Dixit obtained 1,22,533 votes who was the second best. It is alleged that although the respondent No. 1 contested the election as an independent candidate this was a device to shield the expenses incurred by her during election in excess of the limit prescribed by the provisions of section 77 of the Act read with Rule 90 of the Conduct of Election Rules, 1961 in connection with the use of four helicopters for the purpose of her election when she had visited the places mentioned in paragraph 10A(1) (a) of the petition. It is also alleged that the hiring and other charges inclusive of fuel and all other expenses amounting to Rs. 70,000/- which were either incurred by the respondent No. 1 or authorised by the respondent No. 2, her election agent, have not been included in the return of election expenses filed by her. There is also an allegation that the respondent No. 2 Shri Madhav Rao Scindia (son of respondent No. 1), Smt. Madhvi Raje Scindia (her

daughter-in-law) and other persons invited by her and her agents with the consent of the respondents visited the places by helicopters in the Constituency mentioned in the petition and thus incurred expenses amounting to Rs. 5,000, Rs. 10,000, Rs. 10,000 and Rs. 35,000 respectively making a total of Rs. 1,30,000/- which have not been included in the return of her election expenses. It is further averred that the amount of Rs. 4,000/- included in the return of election expenses filed by her by way of payment for fuel expenses to Shri N. K. Shejwalker, Advocate, Gwalior, was a device adopted by her to save her from the charge of corrupt practice within the meaning of section 123 (6) of the Act.

3. There is also another allegation that the respondent No. 1 used 11 motor vehicles for the election purposes, as detailed in paragraph 10A (4) of the petition for a period of 20 days and the amount of expenses, which approximately come to Rs. 22,000/-, has not been included in her return of election expenses. It is further alleged that the respondent No. 1, during her election period falling between 27th January, 1971 and 4th March 1971, got 50,000 note books, exercise books printed at a cost of about not less than Rs. 5,000/- from the Shivraj Fine Art Offset Litho Works, Nagpur, and distributed at different places, mentioned in paragraph 11 of her petition, as a gift to voters with a view to secure votes for her and thus is guilty of the corrupt practice of bribery within the meaning of section 123 (1) of the Act. There is also an allegation that the respondent No. 2, an election agent of respondent No. 1 incurred or authorised an expenditure of Rs. 72,917.77 vide Annexure 2, in respect of various items relating to her election, such as the hiring of cycles, feeding of workers, payment of advance towards the hiring of motor vehicles, establishment of election offices in all Assembly Constituencies within the Bhind Parliamentary Constituency and various other miscellaneous expenses, which has also not been included in her election expenses.

4. The respondent No. 1 in her written statement denied all the allegations of corrupt practices alleged against her. As regards the incurring or authorising expenditure in excess of the limit prescribed by law, she has averred that the petitioner has deliberately confused and mixed up the expenditure incurred by the Bhartiya Jan Sangh Party itself as a political party for propagating their ideology and policies as distinct from canvassing for her election. According to her, the helicopters were hired by the Bhartiya Jan Sangh Party and used for their political propaganda in the State of Madhya Pradesh as well as in some other States and, although she admitted to have accompanied on some occasions with the Bhartiya Jan Sangh leaders for their political propaganda, she denied that these helicopters were used by her in connection with her election and there was, therefore, no question of inclusion of these expenses in her return of election expenses. She further averred that she did not hold election meetings and canvassed for herself on 8-2-1971 9-2-1971, 23-2-1971, 24-2-1971, 25-2-1971 and 2-3-1971 at places mentioned by the petitioner because she was so much popular that there was no necessity to canvass for herself. She, however admitted that the respondent No. 2 was her election agent, but neither he nor she incurred or authorised any expenditure alleged by petitioner except the one included in her election return. It is further denied that Shri Madhav Rao Scindia or any body else visited any place in her constituency with her consent and the amount of Rs. 1,30,000 alleged to have been spent for the use of the helicopters, etc., is also denied. In short, her answer is that the helicopters were hired by the Bhartiya Jan Sangh for their political propaganda and she and her election agent neither procured nor hired nor used them for her election and that she had her own election machinery which had nothing to do with the workers of the Jan Sangh who worked for their political party and no body worked for her with her consent. As regards the allegation regarding the use of the motor

vehichles, she denied the name as well as the hiring expenses incurred or authorised by her or her election agent as alleged by the petitioner. She, however, admitted the printing and the distribution of the note books (exercise books) only on the occasion of her Golden Jubilee which was held in the month of October 1969, but denied their distribution during the election as a bribe in her constituency as alleged by the petitioner. As regards the allegation made in paragraph 10A (6) of the petition regarding other items of expenditure amount to Rs. 72,917.77, either incurred or authorised by the respondent No. 2 during the period between 27-1-1971 to 11-3-1971, she denied the same.

5. The respondent No. 2 has admitted that he was an election agent of respondent No. 1, but has averred that he was also the Vice President of the Bhartiya Jan Sangh Party in the State of Madhya Pradesh and as such he was in charge of a zone comprising of the district of Bhind, Morena, Gwalior, Guna, Shivpuri and Vidisha for the political purposes of his party. He has denied to have incurred any expenses for respondent No. 1 during the period from 27-1-1971 to 11-3-1971 as alleged by the petitioner. He has also denied that Annexure 2 filed by the petitioner has anything to do with the election expenses incurred by or on behalf of the respondent No. 1. According to him, Annexure 2 is a draft of the letter pertaining to the expenses of the Bhartiya Jan Sangh sent to Shri N. K. Shejwalkar, Treasurer of the Party for Madhya Pradesh. He has further denied that he has committed any corrupt practice and his reply for the use of the helicopters is the same as that of respondent No. 1. He has also said that the Bhartiya Jan Sangh party did not act as an agent of respondent No. 1 and he was neither entrusted nor did he handle any funds of respondent No. 1 for her election expenses. In short, as regards the hiring, procuring or using the helicopters as well as the motor vehicles and distribution of the note books (exercise books), his reply is the same as that of respondent No. 1 and he has supported her case in all respects.

6. The following issues were framed on the pleadings of the parties—

- 1(a) Has the respondent No. 1 incurred or authorised expenditure more than the prescribed limit under the R.P. Act, 1951, and the rules made thereunder as detailed in paragraph 10A (1)(a) to (c), 10-A(2), 10A(3)(a) to (c), 10-A(4), 10-A(5) and 10-A(6)?
- (b) Do the allegations in paras 10-A(1) and 10-A(4) suffer from lack of material particulars?
- 2(a) Did respondent No. 1 or her election agent or with her consent, during the period 27-1-1971 to 4-3-1971, got distributed 50,000 exercise books to voters and their children throughout the constituency to induce the voters to vote for respondent No. 1 and if so, does it amount to bribery within the mischief of S. 123(1) of the R.P. Act, 1951?
- (b) Does this allegation suffer from lack of material particulars?

3. Is the petition filed by the petitioner time-barred?

4. To what relief, if any, the petitioner is entitled to?

7. Issue No. 1 (a).—This issue is based on the allegation made by the petitioner in paragraph 10A of the petition. It relates to the expenditure alleged to have been incurred by the respondent No. 1 and her election agent in contravention of section 77 of the Act read with Rule 90 of the Conduct of Elections Rules, 1961. It says that 4 helicopters were used from time to time in connection with the election of respondent No. 1 and the expenditure incurred or authorised by the respondent No. 1 and her election agent had not been included in the return of election expenses which should have been not less than Rs. 70,000/- taking into account the places mentioned in paragraph 10A

(1)(a) of the petition where respondent No. 1 had gone in connection with her own election propaganda. In paragraph 10A(1)(b) of the petition, it is averred that respondent No. 2, the election agent of respondent No. 1, had also supervised her election with the result that the expenses for the use of the helicopters amounting to not less than Rs. 5,000/- should have been mentioned in her election return. Similarly, paragraph 10A(1)(c) of the petition deals with the visits of Shri Madhav Rao Scindia, son of respondent No. 1, for her propaganda and that the expenses amounting to not less than Rs. 10,000/- were not included in the election return. In paragraph 10A(1)(d) of the petition, it is mentioned that Shrimati Madhvi Raje Scindia, daughter-in-law of respondent No. 1, also visited the places with her son for her propaganda and the expenses amounting to Rs. 10,000/- were not included in the return of election expenses. Similarly, paragraph 10A(1)(e) of the petition relates to the expenses incurred in connection with those persons who were invited for her election campaign and also other persons who used the helicopters with the consent of either respondent No. 1 or respondent No. 2 and such expenses amounting to not less than Rs. 35,000 were not included in the election return. According to the petitioner, the total amount of Rs. 1,30,000 was not included in the return of election expenses. It is also said that the inclusion of Rs. 4,000/- in her election expenses by way of payment of fuel expenses to Shri N. K. Shejwalkar (R.W. 4) is fictitious and this device was adopted with a view to shield the expenses incurred by her or her election agent for hiring and using the helicopters which is a corrupt practice within the meaning of section 123(6) of the Act.

8. In paragraph 10A(4) of the petition, it was averred that 11 vehicles were used in connection with her election, but their expenses amounting to Rs. 22,000/- were not included in the election return. Similarly, an amount of Rs. 5,000/- which was incurred or authorised in connection with the distribution of exercise books was also not included in the return.

9. In the written statement, respondent No. 1 has denied all the allegations in connection with the incurring or authorising the expenditure in contravention of section 77 of the Act as alleged by the petitioner and pleaded that whatever expenses were incurred in connection with hire or use of the helicopters were by the Bhartiya Jan Sangh, a political party, in propagating its ideologies and policy as distinct from canvassing for her election as a candidate. She also averred that though she was sponsored by the Jan Sangh, it did not act as her agent. She also averred that her son, Shri Madhav Rao Scindia, her daughter-in-law Shrimati Madhvi Raje Scindia or anybody also had not done her election campaign either with her consent or with the consent of her election agent. She also stressed that she had not in any way contravened the provisions of section 77 of the Act and, therefore, she had not committed any corrupt practice within the meaning of section 123 of the Act. The respondent No. 2, while admitting that he was the election agent of respondent No. 1, has also taken the same stand.

10. A corrupt practice of incurring excessive expenditure is defined in section 123(6) of the Act. According to section 77 of the Act, every candidate at an election shall either by himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorised by him or by his election agent between the date of publication of the notification calling the election and the date of declaration of the result thereof, both dates inclusive. The maximum amount of election expenditure, which may be incurred by a candidate for the parliamentary election is laid down in Rule 90 of the Conduct of Elections Rules, 1961, which is Rs. 35,000/-. It is clear from sections 123(6) and 77 of the Act that in order to be a corrupt practice, the excessive expenditure must be incurred or authorised by the candidate or his election agent in connection with an election. An expenditure incurred by a

third person, who is not authorised by the candidate or his election agent is not a corrupt practice within the meaning of the Act. If any authority is needed for the proposition, I may refer to *Rananjaya Singh v. Bajnati Singh* (1955 S.C.R. 671-A.I.R. 1954 S.C. 749). Also see *Ramdayal v. Brijraj Singh* (A.I.R. 1970 S.C. 110) and *Mubarak Mazdoor v. Lal Bahadur* [1958 (20 E.L.R. 176(All))] cited with approval in *Magraj Patodia V. R. K. Birla* (A.I.R. 1971 S.C. 1295) along with A.I.R. 1954 S.C. 749 wherein it was held that expenses incurred by any other agent or person without anything more need not be included in the account of return as such incurring of expenditure would be purely voluntary (paragraph 17, page 1302). It is hardly necessary to say that irregularities in maintaining accounts of election expenses is not a corrupt practice. It may be even false in material particulars and this will not make any difference. A corrupt practice as aforesaid is committed only when the prescribed limit is exceeded. Now the question arises as to the Proof which is necessary for establishing the corrupt practice. This has been a subject of many decisions of the Supreme Court and the various High Courts and learned counsel for both the parties have also addressed me at length on the subject and cited many rulings at the bar but I will only cite those which are necessary as the principles are very well established.

11. A corrupt practice is akin to a criminal offence and the standard of proof required to establish it is that the evidence adduced by the petitioner must be cogent and conclusive. The proponderance of probabilities do not prove such corrupt practice and suspicion does not count. It is therefore, that the burden of proving the Commission of the corrupt practice pleaded is on the petitioner and it is for the respondents to rebut the evidence and an adverse inference can be drawn only in suitable cases when the respondent has either not entered the witness-box to explain the circumstances against him or the circumstances of the case so warrant to draw such an inference. While dealing with a case of excessive expenditure, their Lordships of the Supreme Court in *Magraj Patodia Vs. R. K. Birla* (A.I.R. 1971 S.C. 1295) observed in paragraph 13 that a plea of corrupt practice is somewhat akin to a criminal charge and further observed—

"It is true that many times corrupt practices at election may not be able to be established by direct evidence and the commission of those corrupt practices may have to be inferred from the proved facts and circumstances but the circumstances proved must reasonably establish that the alleged corrupt practice was committed by the returned candidate or his election agent. As mentioned earlier, preponderance of probabilities is not sufficient." (Para 32).

See also *Dr. K. Chenna Reddy V. Namachandra Rao* 1968 (8) Doabla's Election Cases 337 (S.C.), *Jagjit Singh V. Kartar Singh* (A.I.R. 1966 S.C. 773) and *Jagan Nath v. N. U. Deshmukh* [1969(9) Doabla's Election Cases 4525C].

12. Now, the question arises as to whether the respondent No. 1, or the Bhartiya Jan Sangh hired the helicopter alleged to have been used in the mid-term Lok Sabha election and who paid the amount for their use. The next question that will further arise for consideration would be that in case it is found that the Bhartiya Jan Sangh hired and paid the hire charges, whether the helicopters were used for propagating the policy of the Bhartiya Jan Sangh and whether it acted as an agent of respondent No. 1 for making her successful at the election. According to the petitioner, he received an information regarding the payment of hiring charges for the helicopters by respondent No. 1 from one Gyanchand Bhansali, but he for reasons best known to him, has not been examined by him.

In paragraph 52 of the statement, the petitioner (P.W. 7) has deposed that he sent Shri Shyam Narain Advocate to Delhi, Bombay and Indore to get the information regarding the hiring of helicopters, but he too is not examined as witness. In paragraph 55, the petitioner has again deposed that Gyanchand Bhansali had told him that the hiring charges for helicopter were paid by respondent No. 1 and this is why he mentioned in his petition about it. In paragraph 37 of his statement, he deposed that he is ignorant about the fact whether the Jan Sangh had made any agreement for the hiring of helicopters and he is also not aware whether the payment was made by the Jan Sangh to Messrs Cambata and Sanghi concerns for their use. In paragraph 40, he has further deposed that on the information of Gyanchand Bhansali, he had given the items of expenditure for the use of the helicopters. The petitioner has examined Wing Commander H. K. Patel (P.W. 26) and Z.C.C. Cambata (P.W. 53).

13. Wing Commander H.K. Patel (P.W. 26) who is the planning Manager for the Helicopter Services Private Limited, has deposed that his company supplied two helicopters to Messrs Cambata Aviation, Bombay and the numbers of the helicopters are VT-DXB and VT-DZN. The Captain of the former helicopter was Wing Commander Kapoor and for the latter, Captain Sampat, S. S. Cambata (P.W. 55) is the Director of the Cambata Aviation Private Limited Bombay. He has deposed that he supplied three helicopters to the Ex-Maharaja, Gwalior, one was his own and two were chartered from Helicopter Services Private Limited. According to him, the Ex-Maharaja of Gwalior had discussed with him regarding the supply of the helicopters in the month of December, 1970 at Bombay and he deputed Wing Commander Hoshali for finalising the transaction who was then his Commercial Manager. He has further stated that his Company paid at the rate of Rs. 1,260/- for the use of the helicopter per hour to the Helicopter Services Private Limited and his firm bore the expenses for fuel and cost of spare parts. The boarding and lodging expenses of the crew consisting of a pilot, a mechanic and a helper (cleaner) were to be borne by the contracting party. In paragraph 9 of his statement, he has deposed that he did not know who made the payment for the use of the helicopters as he was not dealing with the finance department and his brother R. S. Cambata, who is the Managing Director of the firm, would be able to tell about it. In paragraph 10, he had further deposed that the Ex-Maharaja of Gwalior wanted a helicopter as he was contesting the election and he also told him that previously the use of the helicopter proved effective. He was also informed that the Ex-Maharaja was contesting the election on behalf of the Jan Sangh Party. He has also stated that he did not discuss with him as to whether the Jan Sangh or any other party would be chartering the helicopters because the talk was on a personal basis. According to him, he was told that the helicopters would be used in Madhya Pradesh and it was also mentioned that they would be used in Rajasthan. In paragraph 11 of his statement, he has further stated that he had no occasion to have any talk with respondent No. 1 for sending the helicopters to Bhopal, but Sardar Angre told him on phone for its despatch to Bhopal. In paragraph 14, it is also said that all the three helicopters which were supplied would be made use of in Madhya Pradesh and Rajasthan, but as regards U.P. he was not aware. He had no personal knowledge as deposed to in paragraph 15 of his statement as to who hired the helicopters and who made the payments for the hire charges as the negotiations for the same had not taken place in his presence though he had admitted that the initial talk for the supply of the helicopters did take place with the Ex-Maharaja of Gwalior.

14. Respondent No. 1 as R.W.5 in paragraph 2 of her statement has deposed that she did not either procure or hire any helicopters for her election campaign and,

on the other hand, they were engaged and paid for by the Bhartiya Jan Sangh, Shri N. K. Shejwalkar (R.W.4) who at the relevant time happened to be the Treasurer or the Bhartiya Jan Sangh in Madhya Pradesh, has deposed that he entered into contracts with Cambata Aviation Private Ltd, Bombay as well as Sanghi Aviation Ltd, Indore for procuring four helicopters for the election campaign. The Sanghi Aviation supplied one helicopter and the rest of the three helicopters were supplied by the Cambata Aviation Private Ltd. The contract entered with Wing Commander Hoshali on behalf of Cambata Aviation Private Limited was oral and he had finalised the same. The witness deposed that Ex. R-28 is the receipt for the payment of Rs. 1,40,000/- to Wing Commander Hoshali and out of which only Rs. 200/- were paid in cash and the rest of the amount was paid by a demand draft. He testified that Wing Commander Hoshali signed Ex.-R-28 in his presence. He also testified that Ex-R-29 in the receipt which was given by Wing Commander Hoshali for the payment of Rs. 2,16,000/- and it was paid by a cheque by the Central Office of the Bhartiya Jan Sangh Delhi. As regards the finalisation of the agreement, for the hire of the helicopters, the witness stated that the agreement was in writing which is Ex. R-18, and it bears his signature as well as the signature of R. C. Khandelwal (H.W. 3) Ex. R-19 was given to R. C. Khandelwal and it also bears the signature of Shri N. K. Shejwalkar. In paragraph 6 of his statement, the witness has further stated that he made an advance payment of Rs. 40,000/- in cash to Khandelwal and obtained a receipt for the same which is Ex. R-20. The rest of the amount of Rs. 51,375/- was paid to the Sanghi Aviation by the Jan Sangh Office, Bhopal, vide Ex. R-22.

15. R. C. Khandelwal (R.W. 3) also corroborates the statement of Shri N. K. Shejwalkar (R.W. 4) regarding the execution of a written agreement, Ex. R-18, and Ex. R-19, and the payment of Rs. 40,000/- in cash as well as the execution of the receipt of Ex. R-20 for the same. He also certified that Rs. 51,375/- were paid by a cheque, vide receipt Ex. R-22. He has further deposed that the receipt of Rs. 40,000/- is entered in the cash book, vide Ex. R-24 dated 12th February 1971. The cash book is written in the handwriting of Deshraj and he recognises his signatures. The entry of Rs. 40,000 also finds mention in the ledger dated 30th June 1971, vide Ex. R-27. Similarly, the payment by a cheque for Rs. 51,375 is also mentioned in the cash book dated 4th November 1971 and it is Ex-R-25. The ledger entry for the same amount is made on 1st July 1971 by Seth, Accountant of Delhi and it is Ex. R-26. Shri Dubey, counsel for the petitioner has cross-examined him at length and urged that the entries in the cash book and the ledger should not be relied on as some pages in the cash book are un-numbered and there is cutting of some pages and some pages has been further added. The witness, in paragraph 17 of his cross-examination has explained the whole position. I do not find any reason why the well known firm of Sanghi Aviation would adopt such a course of falsifying the accounts. The witness in paragraph 21 of his statement has emphatically denied that it was wrong to say that Ex. R-18 and R-19 were not executed on the dates mentioned in them and that they were ante-dated. He also further repudiated the fact that the helicopter in question was hired either by the respondent No. 1 or her son Shri Madhav Rao Scindia.

16. H. L. Bhakka (R.W. 6), who is the Accountant in the Cambata Aviation Private Limited, Bombay, has deposed that there is an entry for payment of Rs. 1,40,000/- at page 41 of the cash book R.31, made by the Bhartiya Jan Sangh, Gwalior, for the hiring of the helicopters. This entry is in the handwriting of G. G. Mistri, Assistant Accountant, whose handwriting he identifies. The corresponding entry in the ledger is Ex. R-32 and the witness proved the same. He has further stated that the payment of Rs. 2,15,568/- was made on 13th April, 1971. This entry in the cash

book is in his own handwriting and it is Ex. R-33 and the ledger entry is Ex. R-34, which is in the handwriting of Mistri whose handwriting he has identified. He also deposed that all these entries were made in the regular course of business and the books of accounts in question have been audited for the year 1970-71. He has also testified that the Wing Commander Hoshali was their Commercial Manager and he died on 27th May, 1971. He recognised the signatures of Wing Commander Hoshali on Ex.s R-25 and R-29. He has further testified that out of Rs. 1,40,000 an amount of Rs. 1,39,800/- was paid by a draft on the Central Bank of India and Rs. 200/- was paid in cash. The second payment was made by a cheque No. PSDT-080371 drawn on the Central Bank of India. The draft and the cheque were both passed on to him by Shri R. Cambata. Shri Dubey, learned counsel for the petitioner, has cross-examined this witness at length and urged that his evidence should not also be believed as this firm is keeping the accounts in a single entry system and also some pages in the cash book had been left blank and some are not numbered and it also does not bear the seals either of the auditor or the Company concerned. This witness in paragraph 11 of his statement has clearly stated as to why there were some erasers, that is because some totals were made with pencil and looking to paragraphs 12, 14, 15 and 18 of his statement in cross-examination, I am satisfied that there is nothing to doubt the entries made by the firm as regards the payments in question in the cash book as well as in the ledger and especially when, with the exception of Rs. 40,000/- (fourty thousand) which was paid in cash, the rest of the amount was paid through the bank by means of a cheque and a bank draft.

17. Shri Atal Bihari Bajpai, who is the President of the Bhartiya Jan Sangh, in paragraph 5 of his statement has deposed that helicopters were arranged by the Bhartiya Jan Sangh party, M.P. unit and as regards the payment of Rs. 2,16,000/-, he has further deposed in paragraph 11 of his statement that this payment was made by the Central Office of the Bhartiya Jan Sangh to the Cambata Aviation Private Limited, Bombay, by a cheque. This finds mention in the pass book, Ex. CR-1. As regards hiring of helicopters, there is evidence of Shri N. K. Shejwalkar (R.W. 4) to the effect that a resolution to this effect was passed by the M.P. Unit of the Jan Sangh and he with the permission of the President and the Secretary hire the same.

18. Phoolchand Verma (R.W. 12) in paragraph 6 of his statement has deposed that, during the 1971 mid-term poll, he was the joint Secretary of the Madhya Pradesh Unit of Jan Sangh and that the arrangements for the helicopters were made by the Bhartiya Jan Sangh Party. What he has further stated is as given below:—

"At a meeting of the working Committee of Jan Sangh Party held at Bhopal some time prior to the 1971 mid-term poll, probably in January, 71, it was decided to entrust the work of making all arrangements in respect of the helicopters and their procurement to Shri N. K. Shejwalkar, M.P. In respect of my own election to the Lok Sabha in 1971 mid-term poll, I did not make any payment for the use of any helicopter."

Now, from the analysis of the whole evidence, it is proved by Shri N. K. Shejwalkar (R.W. 4) and Shri Phool Chand Verma that there was a resolution passed by the M.P. Jan Sangh unit to hire helicopters in question. It finds support from the evidence of Shri Atal Bihari Bajpai (R.W. 11) Shri Dubey learned counsel for the petitioner, has stressed that although resolution is said to have been passed to hire helicopters, but none is produced. In my view this contention is devoid of force for the reason that, by interlocutory application No. 5 of 1972. Shri N. K. Shejwalkar (R.W. 4) was asked to bring all the accounts,

records etc. and all the resolutions passed by the Jan Sangh from 1st January, 1971 to 31st March, 1971; an application (I.A. No. 39 of 1972 dated 12th April, 1972) was filed by counsel for respondent No. 1 that the necessary resolutions requisitioned from Shri Shejwalkar were available when he was being examined. Shri Shejwalkar (R.W. 4) also in paragraph 24 of his statement has stated that he has brought the records asked for by the petitioner which were available in his office, but the petitioner himself was cared to bring on record the resolution regarding of hiring of helicopters when it was available with the witness for whatever reasons best known to him. In these circumstances, he cannot now be heard to say that the resolution should have been brought on record by the respondent No. 1.

19. There is also the evidence of Rustam Shiavax Cambata (R.W. 15) who is the share-holder and Managing Director of Cambata Aviation Private Limited. He has clearly stated that helicopters were supplied by his company to the Bhartiya Jan Sangh during the 1971 mid-term poll for the purposes of election in Madhya Pradesh. He sent Wing Commander U. C. Hoshali for finalising the deal and he did so. He has further stated in paragraph 4 of his statement that the Wing Commander Hoshali had reported to him orally that he had finalised the deal with the Bhartiya Jan Sangh for the hiring of the helicopters on usual terms and conditions. He was also at that time shown a copy of the receipt by him to the Bhartiya Jan Sangh and also a cheque and the bank draft. He has further stated that it was brought to his notice that Rs. 200 were paid in cash. It is true that he had no personal knowledge and either his brother R. S. Cambata, the Managing Director (R.W. 15) or H. E. Bhakka (R.W. 6) Accountant of the firm would be able to say as to who had made the payments. H. E. Bhakka (R.W. 6) has deposed to his effect.

20. Shri Dubey, learned counsel for the petitioner, strenuously argued that the helicopters were kept in the compound of Jai Vilas Palace. The programmes, Ex. s. P. 67. and P 68 were taken to Shri Harbansh Lal (P.W. 38). In-charge Flying Control at Gwalior on 15th February, 1971 by Sardar Mahadik who happened to be then an officer in the place and further 5,000 Litres of fuel were sent, *vide* Ex. page 108 in the name of Rajmata Gwalior and also the letters Ex. P. 117 to Ex. P. 121 showing that the empty barrels were returned by the Palace Garage Officer, all go to indicate that in reality the hiring of the helicopters and the payments made therefor were by the respondent No. 1. It is not disputed that the helicopters were kept in the compound of Jai Vilas Palace. Shri N. K. Shejwalkar (R.W. 4) has deposed that he made a request to the respondent No. 1 for the purpose, keeping in view the security and convenience and the respondent No. 1 agreed to the same. Respondent No. 1 as R.W. 5 has stated the same thing. Clause. (b) of Ex. R-18, an agreement entered into by Shri N. K. Shejwalkar (R.W. 4) with the Sanghi Aviation shows that the costs of fuel was to be borne by Company concerned and similar was the case with the Cambata Aviation Private Limited. As regards Ex. P. 108 respondent No. 1, in paragraph 3 of her statement, has deposed that she did not purchase any fuel for the use of the helicopters in 1971 and she did not also make any payment for the same either at Bombay or at Indore. She has further deposed that she did not obtain any release order for the fuel. The petitioner has examined three witnesses, Yogender Sud (P.W. 59), Harbans Singh (P.W. 63) and M. N. Khan (P.W. 70).

21. Yogendra Sud (P.W. 59) has no personal knowledge about the transaction and Ex. P 108 is not in his handwriting. All that he has said is that he asked on phone Jaisingh who was incharge of the Palace Garage at Gwalior to send the empty barrels

and he agreed to do so and ultimately got them collected. Harbansh Singh (P.W. 63), on the other hand, has deposed that Sanghi Aviation purchased 10 barrels of fuel on 22nd February, 1971 and he arranged to keep the empty barrels in the Palace Garage. It is true that the empty barrels were kept in the Palace Garage, but so far as the payment part is concerned, it was paid by the representative of Messrs Sanghi Aviation and this witness made arrangements for the same. M. N. Khan (P.W. 70), Operation Officer, has deposed having received 5000 litres of fuel, *vide* Ex. P. 108 for respondent No. 1 and the words 'Messrs' written therein were wrong. The payment for this fuel was made at the Head Office at Bombay. He has no knowledge as to who made the payment and who had placed the order for the fuel in question. The fact that the respondent No. 1 placed an order for the fuel and she made the payment has not been proved. Moreover, according to the agreement entered into with the Company, for the supply of fuel, the cost to be borne by the Companies concerned. There seems no reason why the respondent No. 1 should make any arrangement for the fuel.

22. Shri Dubey, learned counsel for the petitioner, also stressed that the boarding and lodging charges of the crew were to be borne by the contracting party and that the crew stayed in the Usha Kiran Palace Hotel of which the respondent No. 1 is a Director or a Chairman and she should have produced the accounts to show that she had not paid the expenses for the boarding and lodging as it was in her personal knowledge. Respondent No. 1, in paragraph 4 of her statement, has very clearly stated that she did not make any payment to Usha Kiran Palace Hotel for the boarding and lodging of the helicopters' staff and she also did not make any such payment outside Gwalior. She has further stated that the Usha Kiran Palace Hotel is managed by a limited company known as Scindia Investment Private Limited. There seems no reason why the respondent No. 1 should be expected to produce the accounts for the boarding and lodging of the staff for the helicopters. It was for the petitioner to prove his case and the Usha Kiran Palace Hotel being a commercial institution, it was for the petitioner to requisition the necessary records to prove this fact in case he wanted to do so. This contention also is devoid of substance.

23. In *P. C. Purushothama v. S. Perumal* (A:I:R: 1972 S.C. 608) their Lordships of the Supreme Court, in paragraph 11 of their judgement, have observed that in election cases oral evidence has to be examined with great deal of care because of the partisan atmosphere continuing even after the election, but if the oral evidence is highly probable and is corroborated by unimpeachable documentary evidence, it has to be acted upon and cannot be brushed aside. The petitioner has not examined Gvanchand Bhansali who had given him the information regarding the payment of the hire charges of helicopters. Shri Shyam Narayan Advocate, who was sent by him to get the necessary information regarding the hire of the helicopters and the payment made for their use has not been examined and the only fact that the preliminary talk took place with the Ex-Maharaja of Gwalior does not help the petitioner when there is overwhelming evidence in rebuttal led on behalf of the respondent No. 1 and corroborated by the documentary evidence on record.

24. I am clear in my mind that the petitioner has not been able to prove that the helicopters were hired by the respondent No. 1 and the payment also was made by her. On the other hand, the evidence led by the respondent No. 1 clearly shows that the Madhya Pradesh Jan Sangh Party hired the helicopters and the payment was made by the M.P. Unit of the Jan Sangh as well as the Central Office of the Jan Sangh.

25. Having come to the conclusion that the helicopters were hired by the Jan Sangh and their charges were also paid by the Jan Sangh, the

question arises whether the Jan Sangh arranged these helicopters for the use of the party propaganda and the propagation of their policy, or primarily or principally for the promotion of the interest of the candidate. Shri Dubey, learned counsel for the petitioner, has alternatively urged that in case it is found that the hiring of the helicopters and the payments were made by the Jan Sangh, even then, the Jan Sangh acted as an agent of the respondent No. 1 for the reasons that the respondent No. 1 undisputedly was not a member of the Jan Sangh party though her candidature was sponsored by it and she was allowed to adopt Deepak (lamp) as her election symbol which is the symbol of the Jan Sangh Party; Secondly, that the respondent No. 2, at the relevant time, was the Vice President of the Jan Sangh and he was made the election agent of respondent of the Jan Sangh and he was made the election agent of respondent No. 1. The posters published by the Jan Sangh party, namely Exs. P. 169, P. 170, P. 171, P. 173, P. 174, P. 175 and P. 176 and P. 177 which were admittedly published by the Jan Sangh go to show that respondent No. 1 was having her own election campaign and it was not a campaign by the Jan Sangh for the propagation of their policy and ideologies. He also stressed that there was no separate meeting nor there is evidence to show that during her election campaign whatever respondent No. 1 did, she did to propagate the policy of the Jan-Sangh but on the other hand, the evidence of the petitioner shows that she worked for herself. He also further argued that the petitioner has examined 50 witnesses to show that all that she said after alighting from the helicopter was that they should keep her in view and vote for her. He has cited in support of his contention rulings reported in *Borough of Beviley Case* (XXX) [3 0' M. & H: 145]; *Borough of Beviley Case* (XVIII) (4 0' M. & H. 156]; *Borough of Taunton Case* (XXIV) (1 0' M. & H. 181); *The Borough of Great Yarmouth Case* (XVI) [5 0' M. & H. 178] and *Amir Chand v. Surendra Lal Jha* (10 E.L.R. 57). He also invited my attention to the book 'Local Government Elections' by A. Norman Schofield, page 142, on the question of dealing with the law of agency as applied to the election petitions. Shri Chitale, learned counsel for respondent No. 1, on the other hand, has argued that the mid-term poll held in 1971 was a general election and respondent No. 1, being very popular in the erstwhile State of Gwalior, the Jan Sangh Party wanted to take full advantage of her popularity with the result that she propagated the ideologies and general policies of the Jan Sangh and this is what both the respondent have said in their written statements. He also stressed that, according to the election law, there is no restriction placed on the expenses to be incurred by a political party for carrying on their propaganda relating to the principles and the policies for which the party stands and it cannot be regarded as expenses incurred for and on behalf of the candidate. He also argued that the question of agency will not arise unless a request is made either by the candidate or her election agent to advance the interest of the candidate mainly and this has not been proved by the petitioner. He has also referred to page 73 of *Parker's Conduct of Parliamentary Election* and stressed that what is required to be considered in such cases is the intention or the motive of a person and it is required to be seen what was the dominant motive. He also referred to *Halsbury's Laws of England* (Third Edition, Volume 14) at pages 177—179. He has also cited in support of his contention 1952 a All E.R. 697 E. V. *Tronoh Mines Limited Mast Ram v. Harnam Singh Sethi* (7 E.L.R. 301 at page 310); *Prabhudas v. Jorsaro* (18 E.L.R. 110), *Mubarak Mazdoor v. Lal Bahadur* (2 E.L.R. 176 at page 219); *B. Rajagopal Rao v. N. G. Ranam* (A.I.R. 1971 S.C. 267 para 32); *Ramdarul v. Brilraj Singh* (A.I.R. 1970 S.C. 110) and *Maanji Patelodia v. R. K. Birla* (A.I.R. 1971 Supreme Court, 1295).

26. After having heard the learned counsel at length and giving my careful attention to this question, I have formed the opinion that the Jan Sangh party did not act as an agent of the respondent No. 1 and it has

not been satisfactorily proved that it acted as such for the reasons I presently show. Section 100(1)(b) of the Act says that the High Court shall declare the election of the returned candidate to be void if it is proved that any corrupt practice has been committed by a returned candidate or his election agent or by any other person with the consent of a returned candidate or his election agent. In a case reported in *Mast Ram v. Harnam Singh Sethi* (7 E.L.R. 301), the test applied in such like cases was whether the expenses to be borne by the political party is of the candidate is as follows:—

"The test in this case was held to be whether the main object of the meeting was to promote the election of the candidate and that the line must be drawn between meetings called with the direct object of advancing the election of the candidate, and meetings called for another object from attendance upon which the candidate only derived some indirect or remote advantage."

In *Mubarak Mazdoor v. Lal Bahadur*—(20 E.L.R. 176), their Lordships of the Allahabad High Court observed at page 219 as follows:—

"We may also take notice of an argument which was advanced by Mr. Pathak on the basis of the word "incurred or authorised" used in section 77 of the Act. The Act uses the word "incurred or authorised" and neither of them can mean the same thing as the expression 'with the consent or in the knowledge of' so that the law now requires something more than mere consent or knowledge of a candidate to the incurring of expenses and that something is that the expenditure must have been authorised by him or by his election agent."

27. It is not necessary to discuss each of the ruling cited as the ratio is very clear and it is that in each case it is a question of fact whether the main object of the meeting was to promote the political opinion of the party or to promote the election of the candidate. In order to determine this question, it is required to refer to the evidence led by the parties. The petitioner in paragraph 10 of his petition has given a number of places alleged to have been visited by the respondent No. 1. Both the respondents with the exception of certain places mentioned in their written statements have denied the visits by helicopters and it goes to show that the rest of the places had been visited by her by helicopters. Respondent No. 1 herself in a letter of thanks Ex-P-178, which was issued by her to the voters for making her successful at the election, admitted that she had visited 75 per cent of the villages in her constituency and with this position of the case, it is not necessary to go into the evidence led by the petitioner to prove which places she visited. The petitioner has examined as many as 50 witnesses to show that respondent No. 1 either sometime alone or accompanied by respondent No. 2, had come by helicopters and requested the audience to vote for her.

28. Kailash Narain Kantak (P.W.1) stated the same thing and he has also said that on 28th February, 1971, Shri Atal Bihari Vajpayee also came in a helicopter and requested the voters to vote for respondent No. 1. Shri Bajpai (R. W. 11) on the other hand has deposed that on 28th February, 1971, he went to Mau by helicopter and then went to Bhind by a car. He has also said that in that meeting, the main theme of his speech was to exhort the people to defeat the ruling party and vote for the Jan Sangh and he has also emphasised that it is his practice while addressing such like meetings where he asks the people to vote for the principles, programme and policies for which the Jan Sangh stands and not to vote in favour of any particular person. Govind Narain (P. W. 2) has deposed that the respondent No. 1 came on the occasion of Shiv Ratri Mela by a helicopter to Sheopuri Mela and addressed the audience for about half an hour

and requested them to vote for her and did not say anything about the ideologies of the Jan Sangh. Sheopura is at a distance of 8 miles from village Sukand. It is difficult to believe that he being a Vaidya posted in Sukand dispensary, could have gone there when the dispensary was open on that date. Moreover, he has not told regarding the visit of respondent No. 1 to any one else except his wife and children and it is strange, how he happened to come for evidence. Kanchansingh Yadav (P.W. 3) has deposed that respondent No. 1 had come twice, one on 27th January 1971 and for the second time on 8th February 1971 at Mau by helicopter and said to the audience that her ancestors were the rulers and requested the people to vote for her. She said the same thing on both the occasions when she addressed the audience for less than half an hour. He also said that pamphlets were distributed before his arrival, but he had not received any such pamphlet. It looks rather strange that the respondent No. 1 addressed for less than an hour and only said the same thing on both the occasions to vote for her and that her ancestors were there rulers. In Paragraph 9 of his statement he has only said that he did not hear the respondent No. 1 saying that the Jan Sangh is good and Congress is bad and he also replied to the Court a question that he went to see the respondent No. 1 on both the occasions as some other villagers were also going there. Looking to the statement of this witness as a whole, he does not seem to be reliable.

29. Similar is the case of Shivnath Singh (P.W. 4) who has also deposed that both the respondents came by a helicopter on 9th February, 1971 and both of them addressed the meeting and asked the people to vote for respondent No. 1. It is just saying in parrot-like manner that she came and requested to vote for her and went away. Reghubar Dayal (P.W. 5) in paragraph 6 of his statement says that whatever he heard from Rajmata, he did not say to anybody else except to his family members. It is curious how he happened to come as a witness and reading his statement as a whole, it is difficult to believe what he had stated.

30. Harisingh (P.W. 6) has stated that respondent No. 1 alighted from the helicopter sometime 20 to 25 days before the poll, addressed an audience of 400 to 500 persons, wept and then requested for a vote. In paragraph 5 of his statement, he has deposed that she might have said anything more, but he could not hear on account of crowd. His evidence read as a whole is of no consequence. The Petitioner himself as P.W.7 in paragraph 11 of his statement has deposed that on 9th February, 1971 respondent No. 1 addressed an audience of about 2,500 persons at Raun and exhorted them to vote for her as it was a question of her prestige and honour. He has also deposed that she had also come at about 5 p.m. to Machhand, folded her hands to persons present there and requested them to vote for her. He further deposed that on 27th February, 1971 Ex-Maharaj Kumar of Alwar came to Jasoli by a helicopter and requests the audience to vote for respondent No. 1. Ex-Maharaj Kumar Alwar has been examined by respondent No. 1 as her witness. He (R.W.S.) has deposed that he was not invited to visit any place in the Madhya Pradesh either by the Ex-Maharaja of Gwalior or the Rajmata of Gwalior. According to the witness the Jan Sangh always arranged its programme and he accordingly visited Delhi, Rajasthan and Madhya Pradesh. He has also deposed that he had always pleaded the cause of Jan Sangh and asked the audience to make it strong in order to provide a strong opposition and form a good government. He hardly knew who were the candidates contesting from the constituency. In paragraph 15 of his statement, he had said that he did not think that Rajmata of Gwalior needed any canvassing by him and rather she was herself canvassing for Jan Sangh in Madhya Pradesh and Rajasthan. He has further said that a person well known as 'the Rajmata of Gwalior', who is herself and international figure, needed no word on his part and, if fact, is

sounds ridiculous. In paragraph 45 of the statement, the petitioner has deposed that respondent No. 1, for the first time, spoke for 5 minutes only at Raun and she did not say anything about the ideologies of Jan Sangh. At Machhand she did not make any speech but with folded hands she requested for votes.

31. Respondent No. (R.W.5) in paragraph 10 of her statement has deposed as to what she was saying in the election meetings attended by her and it is as follows:—

"I did address some of the election meetings. I addressed them on the subject of corruption, ncotism, terrorism and exploitation of poor and ignorant masses by the Congress which was shaking the very basis of democracy. I pleaded for the Jan Sangh as an alternative party to save democracy because this party is surcharged with nationalism and those people were dedicated to the service of the masses. I did mention the election symbol of the Jan Sangh party. This was the general pattern of my address which I had delivered all over M.P. and not only in my constituency."

Question:—Did you beg for votes with choked voice and with tear in eyes and spread the Sari for votes?

Answer:—No.

Question:—Did you make a personal appeal to vote for you?

Answer:—No., as I had full confidence in my voters. It looks rather odd that when respondent No. 1 went by a car to Machhand, she did not speak a single word except folding her hands and went away. This is what all the witnesses for the petitioner have said "When she came, sometimes she wept, sometimes with a choked voice asked for votes and went away." It does not sound natural looking to the evidence adduced by the respondents and also in the background that she swayed in the mid-term elections rightly or wrongly which shows that she was popular enough in the erstwhile State of Gwalior.

32. Bishamber Dayal (P.W.8) has deposed that respondent No. 1 had come alone in a helicopter to after twice, once on 4th March, 1971 and for the second time 20 or 25 days before the election. Respondent No. 1 had denied having gone on 4th March, 1971 to that place and that also finds support from the evidence of the pilot of the helicopter, S.S. Gill (P.W.71). Thus, his evidence is not at all true on the point and he is not a reliable witness.

33. Mahendra Singh (P.W.9) is an Advocate, but his evidence does not seem to be reliable. He has also deposed similarly that 8 or 9 days before the date of poll, respondent No. 1 came to Machhand by a helicopter and asked for votes. In paragraph 7, he has admitted that she say that the Deepak was the symbol nor did she say that the Deepak was the symbol of the Jan Sangh Party. It looks rather strange that a candidate, if canvassing for herself, would not inform the audience about her symbol and specially to the villagers who are mostly illiterate. He is an active member of the Congress and moreover, according to him, as he stated in paragraph 10 of the Statement, he had no occasion to talk about the visit of the respondent No. 1 till a week before he was examined and it looks strange how he had appeared as a witness to testify this fact.

34. Kalka Prasad (P.W. 10) has also deposed in a parrot-like manner that the respondent No. 1 addressed the audience and asked for votes. In paragraph 2 of his statement, he stated that Shri Atal Bihari Bajpai on 28th February, 1971 asked the audience to vote for her and he also did say that he had been sent by the respondent No. 1 to ask the people to vote for her which is emphatically denied by Shri Atal Bihari Bajpai himself. His evidence suffers from the same infirmity and the fact that the respondent No. 1 did not say anything about her symbol looks rather strange.

35. Nathuram (P.W.11) has deposed that respondent No. 1 came to Bala Ji on the Shiv Ratri day by a helicopter. She stayed there for a short while for a Darshan and then asked the persons present there to vote for her. His evidence also suffers from the same infirmity that he did not mention to anyone about the visit of respondent No. 1 and her requesting for votes, but he had come to depose this fact. He is a got-up witness and cannot be relied upon.

36. Rajaram Patwari (P.W.12) has deposed that the daughter of respondent No. 1 was to come, but she did not come and instead respondent No. 1 came to village Boreshwar and addressed the audience and said—

"We are known to each other since long time and I am standing for the election. Please vote for me." His evidence also suffers from the same infirmity that he did not mention about the arrival of respondent No. 1 to any one else. He too is a got up witness.

37. Lakhpatram (P.W.14) also states the same thing. Respondent No. 1 came by a helicopter to village Daboha, folded her hands and told the people collected there to vote for her. In paragraph 2 of his statement, he deposed that on 4th March 1971 respondent No. 1 came to his village four or five times which appears to be incorrect while taking into account the statement of Captain S. S. Gill (P.W.71)

38. Harbilas (P.W.15) is also not a reliable witness. His statement that Maharaj Kumar of Alwar said that they were **Bhai Band** and that the people should vote for respondent No. 1 is belied by the statement of Maharaj Kumar of Alwar (R.W.8) as aforesaid. He has also stated that the respondent No. 1 did not say anything about her symbol which does not seem to be reliable taking into account the fact that the people collected there were villagers. Chhatala (P.W.16) has deposed that the respondent No. 1 came to Barakalan, four or five days before the date of poll, and spread a part of her **Sari** like a **Jholi** and asked for votes and that she went away as she had not time. He also deposed that she had also said that this was a question of her honour. Respondent No. 1 had specifically repudiated this fact deposed to by the witnesses that she had asked for votes either by a choked voice or sometimes weeping or by spreading the **Jholi**.

39. Kishan Bihari (P.W.17) has deposed that respondent No. 1 had come to village Umri 3 or 4 days before the poll. She was then alone. She alighted from the helicopter and then she stood on one side and folded her hands and request for votes. She also said—

"I am your Rajmata and you vote for me." In cross-examination, a question was asked whether the question of extension of his brother who is the D.S.P. is pending consideration, but he pleaded his ignorance. His statement also does not seem to be reliable and is a parrot like witness.

40. Shanti Swaroop (P.W.18) is an interested witness. His statement that Shri Atal Bihari Bajpai accompanied by respondent No. 1 came to Bhind by helicopter on 28th February 1971 is not true for reasons mentioned above. His further statement that Shri Bajpai had said that he was requested by the respondent No. 1 to address is also not correct. In paragraph 3 of his statement, he has said that Maharana of Udaipur addressed the audience on 2nd March 1971 and made a request to vote for respondent No. 1 on account of old relations. Maharana of Udaipur (R.W.9) has deposed that he addressed the meeting at the instance of the Jan Sangh and he was canvassing for the Jan Sangh. He was not requested by respondent No. 1 to canvass for her. In para 6 of his statement, he has deposed that the respondent No. 1 did not even need any canvassing on

account of her popularity and the respect she enjoyed. In paragraph 9, Maharana of Udaipur (R.W.9) also stated that in a meeting at Bhind he never told that people should vote for her because she was a Rajmata. This witness has further stated that on 4th March 1971, respondent No. 1 came alone by a helicopter which is also not a fact. He has also not been believed as regards the distribution of exercise books like Ex-P-14. He has admitted that he was the signatory of the pamphlet Ex. R-3 which shows that he is an interested witness and it is further strange that though he publishes the paper known as 'Yug Prahar', he did not care to publish what Maharana of Udaipur and Shri Bajpai had said. It is really unfortunate that people like him come before the Court and make a statement which does not appear to be true.

41. Swaroop Narayan (P.W.19) Vishnu Datt Pande (P.W. 30), Badri Prasad (P.W. 34) and Babu Bhai (P.W.35) as well as Munshi Singh (P.W. 40) are the same kind of witnesses who have not told anything about what they have been to any one else and it is strange that they have come in the witness box to depose about those facts. Moreover, their evidence, considered in the light of the evidence that respondent No. 1 did not travel alone in the helicopter, is not worthy of credence.

42. Liaquatullah (P.W. 21)'s statement, that respondent No. 1 had come by helicopter on 4th March 1971 is denied by the respondent No. 1, herself. His evidence regarding the address by Maharaj Kumar of Alwar is belied by the statement of Maharaj Kumar himself and his evidence, considered in the light of the comments made above is of no consequence.

43. Ramsewak Singh (P.W. 23) has deposed that the respondent No. 1 came by a helicopter on 1st March 1971 and told the audience that—

"I am your Rajmata. You had very good relations with the Raj family and, therefore, I beg of you to vote for me."

His statement as regards the Maharaj Kumar of Alwar is belied by the statement of Maharaj Kumar himself. His statement also looked in the context that respondent No. 1 was popular and she came successful in all the elections and taking into account the evidence as regards the occupants of the helicopters, which will be discussed later, the evidence of all the witnesses who deposed that respondent No. 1 came alone and asked for votes, sometimes weeping and spreading her **jholi** do not appeal to me to be true.

44. Bhanwar Singh Hana (P.W.24) also stated the same thing that respondent No. 1 came on 4th March 1971 by a helicopter, stayed in village Itayali for 3-4 minutes, folded her hands and then left. His statement in paragraph 3 of his deposition as regards Shri Bajpai's address on 28th February 1971 is belied by the statement of Shri Bajpai himself. He is an active member of the Congress and interested witness. Moreover, as aforesaid, it does not stand to reason that when one hour's use of helicopter costs Rs. 1,500 respondent No. 1 will not only go to a place simply to fold her hands and leave that place. It is also pertinent to note that Jan Sangh, who wanted to use her influence, to the maximum, will not spend a huge amount in this manner.

45. Jai Ram Prasad (P.W.25) also says the same thing that respondent begged for votes in the name of her ancestors. As regards her arrival on the date of poll, i.e. 4th March 1971, it has already been commented that she did not go to her constituency on that date. Looking to paragraph 11 of his cross-examination, the evidence of this witness does not inspire any confidence.

46. Karansingh (P.W.27) is also not reliable for the reason that he had not told to anybody what he had deposed before the Court and, moreover, his evidence also is parrot-like that she spread her **jholi** and begged for votes.

47. Sobrarsingh (P.W.28) was a counting agent of Shri Dixit and his evidence also is of the same pattern. Looking to paragraphs 7 and 8 of his statement made in cross-examination and in view of his interest in the rival candidate and also taking into account the above comments, his evidence also does not in any way establish that the Jan Sangh acted as an agent of respondent No. 1 for her propaganda.

48. Madhuri Sharan (P.W.31)'s evidence is belied by the evidence of respondent No. 1 herself that she had not gone on 4th March 1971 by a helicopter to Sheonda and moreover, looking to paragraph 7 of his statement, it appears that he is a got up witness.

49. The statement of Kukum Singh (P.W.32) is of no consequence saying that respondent No. 1 had come by a helicopter on 4th March 1971 with some other persons, but the helicopter did not land.

50. The evidence of Nawab Singh (P.W. 33) is also of no use to the petitioner as he states in a parrot-like manner that respondent No. 1 came on 4th March 1971 by a helicopter and folded her hands and went away, while the travel by helicopter of respondent No. 1 was denied by the respondent No. 1 herself on this date.

51. Ashrafal (P.W.41)'s statement that the respondent No. 1 had come on 26th February 1971 is of the usual character that she folded her hands and in a choked voice said—

"Give me votes and save my honour".

He is also of that type of witness who did not tell anyone till he was examined regarding the facts which he had deposed in Court.

52. The evidence of Virendra Singh (P.W.42) also suffers from the same infirmity as stated above. The evidence of Subedar Nawab Singh (P.W. 46) suffers from the same comments as aforesaid. The evidence of Chhotelal Sharma (P.W. 49) also suffers from the same infirmity as pointed out above as regards the address of Shri Atal Bihari Bajpai on 25th February 1971. He was a counting agent of Shri Dixit and his evidence as regards other matters which he had deposed does not seem to be reliable which I will discuss later.

53. Ramprasad Vyas (P.W.50)'s statement also as regards the visit of respondent No. 1 on 4th March 1971 by a helicopter is of no consequence and is unreliable. Angad Singh (P.W.54) in paragraph 3 of his statement also said the same thing about respondent No 1 regarding begging for votes with a choked throat and saying—

"I am your Rajmata and you are my Janta. Make me successful."

It is difficult to believe that in these days of democracy she would still address the audience saying that "You are my Janta". The evidence of Sadhusingh (P.W. 56) also does not inspire confidence and his only statement is that the respondent No 1 had only told to vote for her. It is interesting to note that he is a nominated member of the District Congress Committee, Bhind, but he does not himself know as to who had nominated him as stated in paragraph 7 of his statement.

54. Karansingh (P.W.57) and Hottamsingh (P.W.58) are of the same type of witnesses who have stated in a parrot-like manner that the respondent No. 1 had only said to vote for herself. They too belong to the same category of witnesses and their evidence is not of any consequence.

55. Captain N. S. Kapoor (P.W.61) is in the employment of Helicopter Services Private Ltd., Bombay. He was flying helicopter No. VT-DXB. He has proved the journey log book, Ex. P-16 which showed the places of his flight. Ex.P-115 proved by him is the personal log book which shows the places of flight.

He has deposed in paragraph 11 of his statement that, to the best of his knowledge, the respondent No. 1 and the Ex-Maharaja of Gwalior had not flown in his helicopter. In paragraph 13, he has further stated that the persons who had flown with him were from Jan Sangh party and the programmes for the flying also was given by the members of the Jan Sangh. Shri K. K. Deb (P.W.62) is also a pilot officer who had operated in Bhind area. He also proves the entries in the Journey log book which is Ex-P-128. In paragraph 8 of his statement, he has stated that he was flying on 1st and 2nd March 1971 with the Chief Minister of Madhya Pradesh. In paragraph 13, he has deposed that two persons who had always flown with him were always introduced to him as Jan Sangh leaders.

56. The statement of Jamuna Prasad (P.W.69) is also that of the usual character which has already been discussed and does not need any further comment.

57. S.S. Gill (P.W.71) is a pilot of Cambata Aviation Private Limited, Bombay. He proves Ex.P-131, the Journey log book. He has deposed that on 15th February, 1971, he flew from Sagar to Gwalior. In paragraph 3, he has further deposed that Ramnath Goenka, Ex-Maharaja of Narasing Garh, Shri Atal Bihari Bajpai, and Shri Kukumchand Kachhwaha, M.P. also flew with him in his flight all over M.P. In paragraph 10, he has clearly stated that he had always carried two passengers in his helicopter and, according to the general practice, he was introduced to them and they were told to be Jan Sangh leaders. In paragraph 11 of his statement, he has again said that he does not know who prepared the plan for his flying, but the person who gave him the plan was from the Jan Sangh party. The evidence of these pilots, who are independent witnesses, is worthy of credence. This is what the witnesses of the petitioner have said and there is no reason why they should not be relied on. The other parrot-like evidence led by the petitioner which has been discussed earlier, that the respondent No. 1 came by a helicopter, sometimes wept, sometimes spread her Jholi, sometimes begged for votes and sometimes folded her hands and went away, is not worthy of any credence. These witnesses have not told the truth.

58. Shri N. K. Shejwalkar (R.W. 4), who was at the relevant time, working as a Treasurer of the Bhartiya Jan Sangh in M.P. has deposed in paragraph 8 of his statement that respondent No. 1 did not approach the Bhartiya Jan Sangh for the hire of the helicopters. She did not make any request to place any of the helicopter at her service. She also did not make any payment at any time towards its hire. In paragraph 11, he has again said that the helicopters were used in M.P. for the propagation of the Jan Sangh ideologies and these helicopters, once or twice, went near some part of Rajasthan and U.P. in the border of Madhya Pradesh. In paragraph 17 of his statement, he has again said that the respondent No. 1 did not make any request to the Jan Sangh party to work for her and, on the other hand, she was supporting the Jan Sangh party in the election. In paragraph 19, he deposed that in the mid-term election of 1971, with the support of the respondent No. 1, all the Lok Sabha seats from Narbada to Chambal except Indore were won by the Jan Sangh party. In paragraph 41, he has again said that the respondent No. 1 did go in a helicopter to Bhind constituency on behalf of his party, but he is unable to say as to how many times she visited that constituency for the reason that the plan was not made exclusively for that constituency.

59. Respondent No. 1 as R.W. 5 has deposed in paragraph 2 of her statement that the programmes for the use of the helicopters were made by the Jan Sangh party and there was always a local leader accompanying her. In paragraph 3, she has deposed that she did not make any request nor authorised the Jan Sangh party to incur any expenditure for the helicopters.

She has, in paragraph 4, denied that she had sent any programme for the flight of the helicopters. In paragraph 12 of her statement, she has again reiterated that she supported the Bhartiya Jan Sangh during the last mid-term poll and she did not ask any worker or the party itself to campaign for her in the last election. She has again given reasons why she supported the Jan Sangh Party that is because she wanted to oppose the Congress. She did so because she was approached in 1967 by the Jan Sangh for her support and she agreed to the same. In the same paragraph, she has again said that she did not join the Jan Sangh party and she is not its member for the reason that she thought that she would be able to give some support and weight to the party by remaining outside rather than within as she would be able to correct the party whenever it goes wrong. In paragraph 15, she has deposed about her popularity with the result that in the mid-term poll of 1971, all the candidates whom she had supported had won the election. In paragraph 30 of her statement, she had deposed that the pamphlets Ex-173 and 174, P. 175 and P. 176 were neither got printed by her nor they were dropped from the helicopters or distributed and that she had no knowledge about them.

60. Shri Ramnath Goenka (R.W.10) in paragraph 2 of his statement has deposed that he had an occasion to travel with respondent No. 1 in her constituency and the main theme of her speeches was that the Jan Sangh alone could emancipate the people and remove corruption which was rampant in the country. In paragraph 3, he has stated about her popularity in the two assembly constituencies of Vidisha and Basoda where people used to touch her feet. He also said that it was through her that he was sponsored by the Jan Sangh and ultimately won the election.

61. Shri Atal Bihari Bajpai (R.W.11) has very emphatically said that respondent No. 1 had never requested the Bharatiya Jan Sangh to canvass for her election and no such request was made to him. In paragraph 21 of his statement, he has given the reasons as to why the helicopters were used by the Jan Sangh party in Madhya Pradesh and they are as follows:—

"The reasons why the Party decided to use helicopters in Madhya Pradesh alone were, that Jan Sangh wanted to centralise and concentrate its powers in the State of Madhya Pradesh because the party was very hopeful of large gains and successes in that State. Apart from this the Party wanted to utilise the personality of the Respondent No. 1 to its maximum advantage and this was possible only by the use of helicopters."

This statement stands to reason. The respondent No. 1 has won all the elections with a wide majority. She was somehow or other popular and this has not only been said by the witnesses for the respondents, but also by the witnesses for the petitioner, who could not deny this fact. Some of them of course have said that she was liked by some and not liked by others, but they could not say emphatically 'no' to it. It stands clear that somehow or other, rightly or wrongly, she was popular in the erstwhile State of Gwalior and the Jan Sangh party wanted to take the maximum advantage of her popularity and it is manifest why the helicopters were made use of in Madhya Pradesh by the Jan Sangh. It is also clear that the helicopters were kept in the compound of Jai Vila Palace as they wanted to make convenient for respondent No. 1 and her son in order to achieve their own ends.

62. Phoolchand Verma (R.W.12) has also said the same thing that in the 1967 assembly elections with the support of respondent No. 1, 54 candidates came out successful out of the 55 candidates. In paragraph 16 of his statement, he deposed that the tour programmes of the helicopters were made by the Organisation Secretary of the M.P. Unit of Jan Sangh and he also said that in her speeches, the respondent

No. 1 used to support the policies of Jan Sangh. Laxminarayan Pande (R.W.13) and Shri Bharat Singh Chauhan (R.W.14) also deposed to the same effect.

63. The pilot log books and the journey log books filed by the pilots show that the helicopters were not used only in the Bhind constituency but throughout M.P. In order to prove that a political party or an association was an agent of a candidate, it is necessary to prove either by direct evidence or it may be inferred from the proved facts and circumstances which must reasonably establish that the dominant idea of the political party was to support the candidature of the candidate and not to promote the political opinion of the party. On the analysis of the aforesaid evidence, it is quite clear that the respondent No. 1, wherever she had gone, had gone with some of the leaders of the Jan Sangh, that she never made any request either to the President of the Jan Sangh or other leaders of the M.P. Unit of the Jan Sangh either to hire or make the services of the helicopters available to her but, on the other hand they used her popularity to the maximum of their interest. The stereotyped evidence that the respondent No. 1 came and begged for votes, wept and spread her jholi, is of no evidentiary value taking into account the fact that she had won all the elections with a comfortable majority. There is no direct evidence to prove the agency and the circumstances as alleged are not sufficient to reasonably infer and come to the conclusion that the Jan Sangh was an agent of the respondent No. 1. It is true that respondent No. 1 had gone to her constituency in a helicopter, but the fact of hiring of the helicopters and the payment made, coupled with the fact that the political party (Jan Sangh) as the agent of the candidate having not been proved, the allegations made in paragraph 10A(a) (9) of the petition have not been proved.

64. The allegations contained in paragraph 10(A)(1)(c) of the petition that Shri Madhav Rao Scindia, son of respondent No. 1, had visited various places in the Bhind constituency in connection with the election propaganda of respondent No. 1 is not proved. It is true that the petitioner has examined 12 witnesses to the effect that Shri Madhav Rao Scindia visited several villages during the period of election and requested the audience to vote for her mother. These witnesses are subject to the same criticism which I have made regarding stereotyped witnesses and it does not require repetition. Suffice it to say that there is no evidence to show that Shri Madhav Rao Scindia or his wife wherever they had gone for the election propaganda had done so with her consent or the consent of her election agent. Unless and until this is proved it is not possible to hold that respondent No. 1 is responsible for whatever they have done as under section 77 of the Act only that expenditure is required to be included in the election return which is either incurred or authorised by the candidate or his election agent and further more it must be in connection with the election. [See Hananjaya Singh v. Baijnath Singh (A.I.R. 1954 S.C. 749) and Ram Dayal v. Brijraj Singh (A.I.R. S.C. 110)]

65. Similarly, the allegation made in paragraph 10A(1) (a) of the petition is not proved for want of consent either by respondent No. 1 or her election agent and it was not necessary for the respondent No. 1 to include the amount of this expense in her election return:

66. The allegations contained in paragraph 10A(1) (e) of the petition have also not been proved. There is no evidence that the persons mentioned therein were either invited by respondent No. 1 or her election agent. Maharaj Kumar of Alwar, Shri Atal Bihari Bajpai and Maharana of Mewar have clearly stated that they were not invited by respondent No. 1 and whatever amount had been spent by them was in connection with the propagation of the ideologies of the Jan Sangh for which respondent No. 1 or her

election agent cannot be made responsible. These allegations for the aforesaid reasons have also not been proved.

67. The allegation in paragraph 10A(4) of the petition regarding the use of the motor vehicles, the petitioner as P.W.7 in paragraph 15 of his deposition has stated as follows:—

"The 11 vehicles which find mention in para 10(A) (4) of my petition were used for the purpose of election of respondent No. 1 in the Bhind Parliamentary Lok Sabha constituency. All these vehicles were taken on hire. Some of the owners of the vehicles and the drivers are known to me. I have not cited any owner or driver of the vehicles in my list of witnesses because they expressed some legal difficulties."

There is no other evidence to show that the vehicles mentioned in the petition were used for the election of respondent No. 1, as alleged by the petitioner. Shri Dubey, learned counsel for the petitioner, has urged that some of the vouchers of the respondent No. 1 in her election return Ex-P-1 had mentioned the numbers of the vehicles used, but this cannot prove the allegation made in the petition. It was for the petitioner to prove that all the 11 vehicles mentioned in paragraph 10(4) of the position were used on what dates and at what places and that the total expense was approximately as alleged by him. There is no evidence at all on record to prove this allegation. Therefore, this allegation is also held as not proved.

68. The petitioner in paragraph 10A 6th of the petition has made an allegation that respondent No. 2 either incurred or authorised expenditure during the period of election to the extent of Rs. 72,917.77 P in respect of various items relating to the election of respondent No. 1, such as the hiring of cycles, feeding of the workers, payment of advances towards the hiring of motor vehicles etc. and this has not been included in her election return. The respondent No. 1 in her written statement has emphatically denied that this expenditure at all related to her election. She also averred that respondent No. 2 as her election agent was in addition working at the relevant time as the Vice President of the Bhartiya Jan Sangh, M.P. Unit and as such he had Bhind, Morena, Shivpuri, Vidisha, Guna and Gwalior districts in his charge and this expenditure, if at all, related to the Jan Sangh. Respondent No. 2 has also said the same thing in his return. He has said that the expenditure indicated in the memo. Ann. 2 pertains to the expenses incurred by and on behalf of the Bhartiya Jan Sangh for the districts comprising his zone as described above. He also further averred that the respondent No. 1 never gave any amount except whatever had been shown as spent by him in the return of her election expenses. The petitioner, in order to show that this expenditure related to the election expenses of respondent No. 1, has examined 12 witnesses and they are Kailash Narain Kantak (P.W.1), Kanchan Singh (P.W.3) petitioner himself as P.W.7, Bishambhar Dayal (P.W.6), Mahendra Singh (P.W.9), Kalka Prasad (P.W.10), Ramdatt Singh Kushwaha (P.W.43), Rameshwar Sharma (P.W.44), Chhotalal Sharma (P.W.49), Rameshwar Dayal (P.W.51), Munshiram (P.W.66) and Banmali Dwivedi (P.W.72).

69. The petitioner (P.W.7) in paragraph 7 of his statement has proved Ex. P-5 to Ex-p-10. It is pertinent to note that with the exception of Annexure 2, all other bills which were alleged to have been connected with it were produced on 6th December 1971. In paragraph 50 of his statement, a question was asked to the petitioner as to how he came to possess Ex-P-5 and he denied that it was either given to him by respondent No. 2 or he got it by theft. He also said that the other papers connected with Ex-p-5 were also with him at the time of filing of the petition and he has given the reasons for delay in

filng them that Ex-P-5 was the main string of the case and as the other papers were only in support of it. Another question was asked in cross-examination as to why he did not file the other papers i.e. Ex. P-2 to Ex-P-4, Ex-P-6 to Ex-P-13 with the list of witnesses and the reply given by him is that as he had filed Ex-P-5, he did not file the other papers. In paragraph 64 of his statement, he has clearly admitted that he did not identify the signatures of respondent No. 2 but as he was told by Ramdatta Singh Kushwaha (P.W.43) he had made such a statement. It is true that the papers said to be connected with Ex-P-5 are filed late. It is however, immaterial whether they are secured by theft or otherwise. The material question is whether they are connected with the election of respondent No. 1 and whether this fact has been proved by the petitioner.

70. Kailash Narayan Kantak (P.W. 1) has deposed that he knew the handwriting of Ramswaroop Gupta Ex. P-2 bears his signature. He has also said that Ramswaroop Gupta was working for respondent No. 1. In paragraph 13 of his statement, he stated that in Ex. P-2 portion A to A was not written by Ramswaroop Gupta while the whole of the remaining Ex. P-2 was written by him. He has mentioned no reason as to why he had deposed that Ramswaroop Gupta was working on behalf of the respondent No. 1.

71. Kanchan Singh Yadav (P.W. 3) stated that he recognises the signatures of Dr. Anand Swaroop in Ex. P-3 and he was working for respondent No. 1. In paragraph 6 of his statement, he has admitted that Dr. Anand Swaroop had not written Ex. P-3 in his presence. He once got his treatment from him and on the basis of the prescription he had identified his handwriting. He has also not said anything as to how he came to know that Dr. Anand Swaroop was working on behalf of respondent No. 2. His evidence is not of any evidentiary value.

72. Bishambhar Dayal (P.W. 8) has deposed that he knows the handwriting of Baburam Kheri and Ex. P-11 bears his signature. Baburam Kheri (P.W. 7) has denied his signature in Ex. P-11. The witness has also stated that Baburam was working on behalf of respondent No. 1. In paragraph 3 of his statement, he has admitted that he had not informed the petitioner about it although he says that he had a talk about Baburam having paid the amount on behalf of respondent No. 1 with Shital Prasad Dube, Chhagan Prasad Dube and others. There is no evidence to show that what he had stated is correct. It is pertinent to note that on the one hand he shows so much intimacy that he recognises the signatures of Babulal but on the other hand in paragraph 6 of his statement, he shows ignorance as to whether Babulal was a worker of the Jan Sangh. The reason for recognising the handwriting of Babulal, as stated in paragraph 7 of his statement, is not worthy of any evidence.

73. Mahendra Singh (P.W. 9) has deposed that Ex. P-12 bears the signature of Dr. Hargovind Mishra and Ex. P-13 is in the handwriting of Asharam while Ex. P-4 is in the handwriting of Sughan Singh. The witness is an active member of the Congress and his evidence has to be scrutinised with care. He had no other occasion to identify the signatures of the abovesaid three persons. In paragraph 16 of his statement, he says that Dr. Hargovind Mishra had told him that he was spending the money on behalf of respondent No. 1, but he does not remember if he had told this fact to any one who was connected with the election. Dr. Hargovind Mishra has not been examined by the petitioner.

74. Kalka Prasad (P.W. 10) has testified that Ex. P-12 bears the signature of Dr. Hargovind Mishra. He stated that Dr. Mishra was working on behalf of respondent No. 1 in the election and was incurring expenditure on her behalf. It looks rather unnatural that Dr. Mishra even if he was working or spending money on behalf of respondent No. 1, would be telling this fact to the witness unless it is shown that they

were on such intimate terms and simply because Dr. Mishra used to come to the municipal office sometime did not warrant that he would do so.

75. Ramdatt Kushwaha (P.W. 43) has testified that Ex. P-5 bears the signatures of respondent No. 2. Ex. P-6 also bears his signatures. The portions A to A, B to B and D to D are in the handwriting of respondent No. 2 and the portion C to C bears the signature of the respondent No. 2. The witness also proved the signatures of respondent No. 2 in Ex. P 7, P-8, P-9 and P-10. This witness is also an interested witness. As stated by him in paragraph 20 of his statement, he was also a consenting party to the issue of Ex. P-3. In paragraph 23, he has stated that all the papers concerning the handwriting and signatures of the respondent No. 2 were shown to him by the petitioner in April 1971 and he told him that he had identified the signatures of respondent No. 2 and also suggested that an election petition should be filed. But his evidence is of no consequence as he admitted in paragraph 25 of his statement that he had identified only the handwriting and signatures of respondent No. 2 but he had no personal knowledge to what account they pertain to. Mere proving of signatures on these papers will not prove the fact that these documents relate to the election of respondent No. 1.

76. Rameshwar Sharma (P.W. 44) testified that Ex. P-27 is in the handwriting of Mahesh Singh. Ex. P-27 was not written in his presence. Mahesh Singh and his father, Lokendra Singh, both are alive but none of them is produced as witness.

77. Chhotelal Sharma (P.W. 49) also testifies that Ex. P-2 is in the handwriting of Ramswaroop Gupta. In his cross-examination in paragraph 8, he has stated that he had not seen respondent No. 1 giving any money to Ramswaroop for her election work nor had he any knowledge about the source from which Ramswaroop got the money for her election work. Unless it is shown that Ex. P-5 concerned the election of respondent No. 1, she cannot be saddled with any responsibility for the same.

78. The evidence of Rameshwar Dayal (P.W. 51) does not also inspire confidence. He appears to be a chance witness and it is difficult to believe that when according to him, respondent No. 2 had made a request to him to help respondent No. 1, he would give a sum of Rs. 1,000 to Ramswaroop Gupta and a sum of Rs. 500/- to Baburam Kheri in his presence who belong to a different political party, and receipts Ex. P-11 and Ex. P-2 would be got executed. In paragraph 9 of his statement, he has stated that he accompanied Ramswaroop Gupta on his own asking and went to Bhind, 16 miles from his village. He has admitted that in Ex. P-2, the words marked A to A were written in the handwriting of Ramswaroop Gupta but he did so of his own accord. The words marked 'A to A' in Ex. P-2 show that if at all this receipt was executed, it was executed by Ramswaroop Gupta as a President of the Jan Sangh Mandal and not for respondent No. 1. The witness has stated that he had been in politics for the last 25 years and it looks rather strange that he does not know that respondent No. 2 whom he knew since 1945 is either a member or the Vice President of the Jan Sangh. His evidence, if read as a whole cannot escape the conclusion that it is not worthy of any credence.

79. Munshiram (P.W. 66) has deposed that Balmukund, in the month of February 1971, gave a hundred rupee note to one Kadam when he was taking tea at the shop of Babulal. He had also seen giving chits to Babulal Shopkeeper. He has further testified that Ex. P-126 is in the handwriting of Balmukund. In paragraph 4 of his statement, he has only stated that he met the petitioner 20 or 25 days before the date he was examined, and told him about the chits. He had not mentioned that he told him about the payment of Rs. 100/- to one Kadam. Babulal, who sells

sweetmeats is alive and resides at Gohad and he has not been produced to show that Balmukund Ihiya was keeping some accounts with him in connection with the election of respondent No. 1. He has admitted in paragraph 7 of his statement that he could not specify any special feature of the writing and signature of Balmukund and he made no enquiry whether Balmukund was a Jan Sangh worker. His statement too is not worthy of any reliance.

80. Shri Banmali Dwivedi (P.W.72) handwriting expert, deposed that the documents discussed above were in the handwriting of the persons said to have signed them. Shri Dubey, learned counsel for the petitioner, has strenuously argued that taking some of the documents, namely, Ex.s page 27, page 155, page 12 page 7, page 4, page 2 page 26, page 3, page 11 and p. 131 into account, their total pages with that mentioned in Ex.s P-6, P-8 and P-10. He also urged that respondent No. 2 had admitted that Annexure 2 (Ex. P-5) related to the accounts of the Jan Sangh but he had not come forward to depose to that effect. He also further urged that all those persons who signed these documents were included in the list of witnesses for the respondent No. 1 and they have not been examined by the respondent No. 1 with the result that an adverse inference should be drawn against her and it should be taken as proved looking to the pleadings of the parties as well as the legal consequences. Shri Chitale, learned counsel for the respondent No. 1, on the other hand has invited my attention to the verification as well as the affidavit filed by the petitioner and urged that it related only so far as the handwriting and signature of respondent No. 2 was concerned and there is no affidavit to the effect that they were connected with the election of respondent No. 1. He also further argued that proper custody of the documents was not proved and such suspicious documents should not be made a foundation for a serious charge against the respondent No. 1. He also urged that respondent No. 2 was in charge of districts which constituted 33 assembly constituencies and the accounts related to the assembly constituencies and not to respondent No. 1. He further urged that the amount of Rs. 500 mentioned as deposit in Ex. P-5 concerned respondent No. 2 and does not relate to the deposit made by respondent No. 1 under section 34 of the Act as argued by Shri Dube.

81. Having heard both the learned counsel on this question and after giving my careful attention to the contentions raised before me, I have formed an opinion that the submission made by Shri Dube, learned counsel for the petitioner, is devoid of substance and that Ex.P-5 does not relate to the election of respondent No. 1 for the reasons I will presently show.

82. I have read the verification and the affidavit of the petitioner and on reading both of them as a whole, I find that the petitioner has said as regards paragraphs 10A(6) that it was true to his knowledge and so far as the handwriting and signature of the respondent No. 2 on Annexure 2 is concerned, they are true to his information. The affidavit and the verification is correct but in his statement he has not deposed that it was true to his personal knowledge that Ex. P-5 related to the election expense of respondent No. 1. He has also not been able to satisfactorily explain as to how he got the receipt Ex. P-5. In paragraph 49, the petitioner, has named certain person from whom he had made enquiries regarding the allegations contained in the petition. None of the witnesses examined by him said anything about Ex.P-5. The contention of Shri Dubey, learned counsel for the petitioner, that the signatures of these documents should have been examined by respondent No. 1 as her witnesses is not correct as it is the duty of the petitioner to prove the corrupt practice which he had alleged against the respondent No. 1. When satisfactory proof is on record and if anything requires explanation by the party, or some inferences are to be drawn according to law, then certainly it should be done and taken

into consideration for forming an opinion but this is not a case of this type where looking to the pleadings of the parties and the facts that the respondent No. 2 had not entered the witness box and the persons whose signatures find place on these documents have not been examined, an adverse inference should be drawn against respondent No. 1. It is true that some of the persons were named in the list of witnesses for respondent No. 1 and the best course for the petitioner would have been to ask the respondent No. 1 whether she wanted to examine these persons and if not he would have taken steps to summon them as his own but he has not done so. He cannot, therefore, be absolved from the responsibility of proving his own case and he cannot be heard to say that the respondent No. 1 having not examined them, an adverse inference should be drawn against her. By reading Ex. P-5, it is quite clear that it gives the total but some other papers which must have been a part of this has somehow or other not been brought on record. The deposit of Rs. 500/- does not relate to the deposit said to be made by respondent No. 1 under section 34 of the Act. It is also worthy of note that the name of Bhind constituency is not mentioned anywhere there. It has also come in evidence that respondent No. 2 though being an election agent of respondent No. 1 was also the Vice President of the M. P. Unit of the Jan Sangh and as such he had certain constituencies under his charge. I am told that these districts comprised of 33 such assembly constituencies. It is further worthy of note that Ex. P-2, P-3, P-4, P-11, P-12, P-155, P-157, P-13 and P-126 were not mentioned in the list of documents and no particulars of these documents were given in the petition. The explanation offered by the petitioner does not seem to be satisfactory.

83. Even assuming that Ex.s. P-2, P-3, P-4 etc. are in the handwriting of the persons concerned, there is no proof that these accounts relate to the election of respondent No. 1 and not to the election expense incurred by the Jan Sangh as a political party.

84. The petitioner has examined Rameshchandra Sharma (P.W.68) to prove that he had received Rs. 10,850 from one Watgikar on three occasions and this amount had been spent in connection with the election of respondent No. 1. The receipt Ex.P.127 has no connection whatsoever with Ex.P-5 for the very simple reason that according to this witness, this amount was given by respondent No. 1 to Watgikar, who had given him and it has no connection whatsoever with the respondent No. 2. Now, the question arises whether this witness is a reliable witness. He has stated that he was given an amount of Rs. 10,850 in instalments, i.e. Rs. 2,400 for the first time, Rs. 1,400 each for the second and third time and then Rs. 3,000 and for the last time, he got Rs. 2,650. The first three instalments were sent to him every week and he maintained the accounts for the same. He has further said that Sardar Angre asked him for the accounts on 26th or 27th March 1971 when he happened to come to Gwalior and he also informed him on telephone that he was sending Ruikar for the purpose. He gave the accounts to Ruikar and obtained the receipt for the vouchers from him. He has further stated that respondent No. 2 also had come to him on 5th or 6th of April 1971 and asked for accounts and he gave the receipt Ex. P-127 to him. He has further stated that the amount in question was spent for providing meals to the workers of respondent No 1 and the hiring of cycles used for the distribution of pamphlets and for the arrangements of the election meetings. He has also said that he was the Secretary of the Cheonda Mandal Jan Sangh and Joint Secretary of the District Jan Sangh Committee and was the President of the Sheonda Mandal Jan Sangh at the time of election. He further stated that whatever work he did was for respondent No. 1 and not on behalf of Jan Sangh in the last Lok Sabha election. In cross examination, in paragraph 11, he has stated that whatever he had deposed before the Court he had not noted anywhere except

the matters relating to accounts and whatever he had stated in Court he had not said anything about it to anybody else. It is worthy of note that his name was included in the list of witnesses filed on 12th November 1971 (which is Ex. P-182) by respondent No. 1. His statement was recorded on 28th January 1972. When he was holding such offices of the Jan Sangh even according to his own statement, it is difficult to believe that he was not doing the work on behalf of the Jan Sangh but was doing on behalf of the respondent No. 1. He is Ex.P-182) by respondent No. 1. His statement was party and it requires careful scrutiny to assess his recorded on 28th January 1972. When he was holding the full name of Watgikar who was not known to him before except that he had come to know him during election days and moreover, no receipt for such payment was taken and the money is said to have been paid when no one was present. He also does not know whether Watgikar had any connection with the Jan Sangh. It is also not known as to why sardar Angre would ask for the accounts and he having not known Ruikar, gave him the account papers which according to him, numbered 300 to 400. It is not disputed that Ruikar is one of the clerks in one of the trusts of the respondent No. 1. It is rather difficult to believe that it did not strike him that Ruikar wrote on the receipt Ex.P127 as Chief Secretary to the Ex-Maharaja of Gwalior. He is a practising Advocate and it should have struck him that the Chief Secretary would not come to receive the accounts if at all he was maintaining and the words

"*श्रीमत राजमान सो के चुनाव खर्च*
written in the Brackets *बाबत*"

of Ex-P-127 also do not seem to be at its proper place. He has also not shown why he did not take any receipt from respondent No. 2 when he gave him Ex.P-127. His evidence is not at all reliable with the result that the petitioner has not been able to prove that the amount (*vide* Ex. P-127) was spent on account of election expenses of respondent No. 1.

85. Shri Dube, learned counsel for the petitioner, has invited my attention to Ex. P-11 said to have been executed by Baburam Kheri (R.W.7), the reports Exs. P-30 and P-21 and the statements of N. K. Tiwari, Sub-Inspector of Police and Janak Singh (P.W.65) and urged that Baburam Kheri came with the respondent No. 2 at Gohadpura and after casting his vote went away. This allegation could have formed the basis for corrupt practice within the meaning of section 123(5) of the Act. Suffice it to say that there is no such corrupt practice pleaded and, moreover, Baburam Kheri (R.W.7) has denied both the things, that is, Ex. P-11 was written by him or bears his signature and the fact that he had gone with the respondent No. 2 on the date of the poll by a helicopter.

86. N. K. Tiwari (P.W.36) has deposed only on the basis of Exs. P-20 and P-21 and he had no personal knowledge. He has also admitted that this type of reports has nothing to do with the police department. Janaksingh (P.W.65) has deposed about the landing of the helicopter with the respondent No. 2 and Baburam Kheri. I do not think that Baburam Kheri was such an important person that he was to be carried by respondent No. 2 for the purpose of casting his vote in a helicopter and moreover this being not the basis of any allegation, it is not of any consequence.

87. As regards the visit of the respondent No. 2 by a helicopter to the Bhind constituency, it has no effect so far as the election expenses of the respondent No. 1 is concerned, as he also in addition to his being her election agent was the President of the Jan Sangh and if he had travelled in connection with the party work, the respondent No. 1 cannot be held responsible for the same.

88. Shri Dubey, learned counsel for the petitioner, has also laid great stress on the voucher No. 377 (Ex. P-168) a receipt given by Shri N. K. Shejwalkar

(R.W.4) to the respondent No. 1 for Rs. 4,000 in lieu of fuel consumption of the helicopters and urged that this amount will fetch 3,000 liters of fuel and one litre of fuel being consumed per minute, the total expenditure should have been charged to the respondent No. 1 and added in her election expenses to the extent of Rs. 75,000.

89. Shri Chitaley, learned counsel for the respondent No. 1, on the other hand, has urged that the fuel charges for the helicopters were to be borne by the companies and it was not possible to assess any charge on this account to the respondent No. 1 and further more, the helicopters were hired by the political party and payment was made by it and the respondent No. 1 having given her services to the Jan Sangh Party, she was not required to be charged at all. It is on account of her desire that she made a notional payment of Rs. 4,000/- and she had included this amount in her election return.

90. Shri N. K. Shejwalkar (R.W. 4), in paragraph 40 of his statement, has stated it was not possible to tell the total number of hours during which the helicopters were used in the Bhind constituency as they were not used only in that particular constituency. In paragraph 42, as regards the voucher in question, he has deposed that actually nothing was due from the respondent No. 1, but as she expressed desire that she wanted to pay an *ad hoc* basis he told the respondent No. 1 that whatever she wanted to pay, she might pay. Accordingly, she paid Rs. 4,000/- and this amount has no connection with the actual consumption of fuel for the helicopters as it was not possible to determine the same. As regards this payment, the respondent No. 1, in paragraph 49 of her statement, has said as follows:—

"I paid Rs. 4,000/- to Mr. Shejwalkar Advocate on *ad hoc* basis. It was considered as- "marginal benefit I was supposed to have derived I do not know how much fuel had been consumed and whatever amount was paid, if was made on *ad hoc* basis for the fuel. I am not in a position to say if the fuel more than the value of Rs. 4,000/- was consumed. As the Jan Sangh was spending so I wanted to pay to the party the benefit derived by me as a formality. I did not derive any benefit and, therefore, it is not possible to estimate it in terms of money. It was decided by Jan Sangh party that I should pay Rs. 4,000/- and, therefore, I paid that amount as a token for using the helicopter and for the marginal benefit supposed to have been derived by me. I did not derive any marginal benefit and I paid the amount as it was decided with the Jan Sangh party. I have given the benefit to the party and in fact if I wanted to charge, I could have done that. It was orally decided that I should pay the amount of Rs. 4,000/- as a token.".....

91. Having held that the hiring of the helicopters and the payment therefore were made by the Jan Sangh and further debt the Jan Sangh party did not act as an agent of respondent No. 1, if she had paid Rs. 4,000/- for whatever benefit she might have accrued to her and she having included the same in her return of election expenses, it cannot be said that it should have been charged on the basis of the fuel consumption by the helicopters in her visit to the Bhind constituency.

92. The result of all this discussion is that the petitioner has not been able to prove according to law the allegations which were made the basis of issue No. 1 and, therefore, this issue is decided against the petitioner and in favour of the respondent No. 1.

93. *Issue No. 1. (b).*—This issue has been decided on 15th October, 1971 by a separate order.

94. *Issue No. 2(a).*—This issue is based on an allegation made in paragraph 11 of the petition which states

that the respondent No. 1 and/or her election agent during the period falling between 27-1-1971 to 4-3-1971 got presented about 50,000 exercise books by way of gift, a specimen of which is Ex. P-14 on record (Annexure A) to the voters and their children throughout the Bhind Parliamentary constituency to induce them to vote for respondent No. 1. In short, this is a charge of bribery as contained in section 123 (1) (b) of the Act. The respondent No. 1 in reply to the allegation denied the charge in paragraph 11 of her written statement and averred that the not books (exercise books) were got printed on the occasion of her Golden Jubilee in 1969 and were distributed at that time. She also denied that any such exercise books were distributed during the time of election either by herself or by her election agent or by any of this workers with her consent. Similarly, respondent No. 2 also denied this allegation in paragraph 11 of his written statement. A corrupt practice of bribery is defined in section 123 (1) of the Act and the relevant provisions are as follows:—

123. The following shall be deemed to be corrupt practices for the purposes of this Act:—

(1) Bribery, that is to say

(A) Any gift, offer or promise by a candidate or his agent or by any other person with the consent of a candidate or his election agent of any gratification, to any person whomsoever, with the object, directly or indirectly of inducing:—

(b) an elector to vote or refrain from voting at an election

95. It is well established that in a case of corrupt practice, it is for the petitioner to prove it by cogent and conclusive evidence. In other words, the evidence to prove such a serious and grave charge must be very clear and unequivocal. In order to prove this charge, the petitioner examined himself and also Shantiswaroop (P.W.18) Liyaquatullah (P.W.21), Harbilas (P.W.46), Bajnath Sharma (P.W.48), Gokul Prasad, Katariya (P.W. 53), Mahendra Kumar (P.W. 64) and Fouzdar Sharma (P.W. 67). In rebuttal, the respondent No. 1 has examined herself and also produced Premnath Kapoor (H.W.1), Deshraj Grover (R.W. 2), Shri N. K. Shejwalkar (R. W. 4), Advocate and M.P., Shri Atal Bihari Bajpai (R.W.11) and Maharana Bhagat Singh Ex-Ruler of Mewar (R.W.9). Now, the question arises of bribery according to the standard of proof required in such cases. The petitioner Ramsewak Shrivastva (P.W. 7) in paragraph 17 of his statement has only stated that during the period of election some copies, i. e. excise books were distributed. Shantiswaroop (P. W. 18) in paragraph 6 of his statement has stated that exercise books were distributed on 2-3-1971 at a time when Ex-Maharana of Udaipur and respondent No. 1 addressed a meeting. He has also deposed that 8 to 10 such exercise books were given to one person for his children and further stated the distributors were also saying that it was on behalf of respondent No. 1 and that they should vote for her. In paragraph 9 of his cross-examination, he stated that the exercise books were not distributed to children. In paragraph 7 of his statement, he has, however, admitted that he has one printing press known as Bharat Printing Press and he publishes one paper known as 'Yug Prahar' of which is the editor. It is rather curious that although he published in his newspaper news regarding the arrival of Ex-Maharana of Udaipur, Shri Atal Bihari Bajpai and respondent No. 1, but he did not mention therein the distribution of exercise books which was the main feature of the meetings. It is also pertinent to note that Ex-Maharana of Udaipur has very clearly stated in paragraph 10 of his statement that no such exercise books were distributed in his presence. On the other hand, he has stated that it was for the first time when he was examined that he had seen such an exercise books. It is also worthy of

note that Shantiswaroop (P.W.18) had deposed that Ex-Maharana of Udipur came to Bhind by a helicopter but the latter himself had very clearly stated that he went by a car and that he does not belong to any political party though he supported the cause of Jan Sangh in his meeting. It is further strange that as many as 50,000 exercise books were said to have been distributed on 28-2-1971, 2-3-1971 and 3-3-1971, but not a single exercise book has been produced by any of the witnesses cited for the purpose of proving that she did distribute such exercise books. It is pertinent to note that it does not look natural that respondent No. 1 would distribute such exercise books in the presence of the Ex-Maharana of Udipur which would lower her prestige in his estimation. Therefore, for the reason mentioned above, the witness Shantiswaroop (P.W.18) is not a reliable witness. Liyaquatullah (P.W.21) also in paragraph 4 of his deposition has stated regarding the distribution of exercise books on 2-3-1971. In paragraph 11 of his statement, he has deposed that 20 or 25 days after the election, he had a talk with the petitioner regarding the distribution of the exercise books and also with one other persons, Shantiswaroop Bahore. The petitioner himself has not said anything about the information received from this witness who has also said in paragraph 15 of his deposition that he also got such an exercise book which he gave it to his nephew, but he too had not produced the same. He is also not in a position to name any other person who got the exercise book during the time of its distribution. He too appears to be a got up witness and is not reliable.

96. Harbilas Shrivastava (P.W.45) has deposed in paragraph 2 of his statement that respondent No. 1 accompanied by respondent No. 2 and 10 to 15 other persons went from door to door to ask for votes on 3rd March 1971 at about 5 p.m. and she had also come to his ward on that date. Exercise books were distributed as gift for the children and it was also said at that time that she should be kept in mind. He has further deposed that one such exercise book in mind. He has further deposed that one such exercise book was given to the head member of each family and he had also received one. According to this witness, these exercise books were given only to the voters and not to the non-voters. Although the witness is an advocate but he has only studied up to 9th class and is practising in revenue courts. In paragraph 5 of his statement, he has shown ignorance as to whether such exercise books were distributed at the time of the Golden Jubilee of respondent No. 1 which had taken place in October, 1969. The strange feature of his statement in paragraph 5 is that the exercise books were being distributed by some outsiders which had not happened in any of the dates as deposed to by other witnesses. He has admitted in paragraph 11 of his statement that he was the polling agent and was also the counting agent of Shri N. R. Dixit, a rival candidate in the election. In paragraph 14 of his statement, he has deposed that he had told regarding distribution of exercise books to one Sughrarsingh Kushwaha who is the editor of the newspaper 'Matadikar' of Bhind, but it is rather strange that no paper of Bhind published the news regarding distribution of exercise books which, in the normal course of events, if true, must have happened. It is also interesting to note that Ex. P. 122, a copy of the 'Matadikar' dated 13-2-1971 mentions about the distribution of the exercise books while exercise books were said to have been distributed on 28th February 1971, 2nd March and 3rd March 1971. This 'Matadikar' paper also was a seasonal paper in the sense that it started with the election and ended after its purpose was done. Sughrarsingh has not been examined as a witness to show that he was informed by this witness about the distribution of the exercise books as deposed to by him. The evidence of this witness is not reliable for the infirmities pointed out above.

97. Baijnath Sharma (P.W.48) has also deposed in paragraph 2 of his statement regarding the distribution of the exercise books by respondent No. 1 who had gone to his *mohalla* at about 3.30 p.m. accompanied by 10 or 15 persons. Respondent No. 2 had also accompanied her. He was told by Respondent No. 2 at the time of distribution of the exercise books that it was a gift to him and he should vote for respondent No. 1. He has also deposed that exercise books were distributed to all the persons who had collected at that time in the Mohalla. In paragraph 7 of his statement, he has stated that he did not inform any one else except the *Mohallawallas* about the distribution of the exercise books. It looks rather strange that he having not informed any one, how he was cited as a witness deposes about it. On court question in paragraph 13, he has deposed that the exercise books were distributed at random without enquiring as to the number of children one had. This witness is also not a truthful witness.

98. Gokul Prasad Katariya (P.W.53) has deposed about the distribution of the exercise books on 3-3-1971. The respondent No. 1 accompanied by a persons were going from door to door distributing the exercise books and requesting the persons to vote for her.

He was offered one but he refused to take it. The witness deposed in paragraph 6 that he had seen such an exercise book though he had not taken one and in paragraph 10 of his statement he was not able to say as to what was written on the front page of the exercise book. It is pertinent to note that the prominent features of the front page of the exercise books are that it contains a photo of respondent No. 1 as well as her facimili signature and the following words:—

“राजसना विद्यालय संस्थियां धम सती के उपलक्ष में”

It is quite clear that had he seen the exercise books at all, there is no reason why he should not have remembered any one of the prominent features. His evidence also suffers from the same infirmities as aforesaid and I do not find him to be a truthful witness.

99. Mahendra Kumar (P.W.64), Sub-Editor of 'Matadikar' produced Ex. P-122 dated 13th February 1971. According to him, the exercise books like Ex. P-14 were distributed on 28th February 1971, but that too does not appear to be true. Shri Atal Bihari Bajpai (R.W.11) in paragraph 34 of his statement has stated that at the meeting held in Bhind, no distribution of exercise books had taken place there. Mahendra Kumar (P.W.64) has admitted in paragraph 6 of his statement that the paper started publication on 26th January 1971 and closed on Deepawali, 1971. In paragraph 8 of his statement, he has not been able to give any reason as to why he did not publish the news regarding the distribution of the exercise books in his paper when he had known about it that such exercise books were, in fact, distributed on 28th February 1971. When there is no allegation regarding the distribution of the exercise books on 13th February 1971, or a little earlier or later, it looks curious that such a news should have found place in Ex. P-122. He has deposed about other matters but it is not necessary to give them in details here. Reading his whole statement, one cannot escape the conclusion that he is not only an interested witness but at the same time he is not telling the truth.

100. Fouzdar Sharma (P.W.67) has stated in paragraph 3 that on the night of 3rd March 1971 at about 8-30 p.m., respondent No. 1 accompanied by some other persons got exercise books distributed through respondent No. 2 and three or four other persons. In paragraph 7 of his statement, he had deposed that 2 or 3 months after the distribution, he had told about this to Shri Pawar, the President of the Congress Committee, Bhind, but it is strange how he is produced as a witness when the petitioner himself does not say that Shri Pawar had told him that the witness was present at the time of the distribution of the exercise books. Although he had got such an exercise book which he gave to his grandson, he was not in

a position to tell what was written on the front page of the exercise book. His evidence too does not inspire any confidence.

101. Premnath Kapoor (R.W.1) who is the Sales Manager of the Produce Exchange Corporation Ltd., Nagpur branch, has on the other hand, deposed that Thakur Lokendra Singh, Secretary, Jan Sampark Karyalaya, Gwalior, had placed an order on 8th October 1969 for manufacture of 700 gross of exercise books (*vide Ex. R.91*) and that order was accepted (*vide letter Ex. R-10*) which bears his signatures. He has also admitted that exercise books like Ex.P-14 were manufactured by his firm. The printing of the exercise books was assigned to Shivraj Fine Arts Offset Litho Works, Nagpur and these exercise books were supplied in five instalments from 31st October 1969 to 12th November 1969. His evidence finds support in the statement of Deshraj Grover (R.W.2). He has also deposed that the order of printing was completed on 23rd and 24th October 1969 and delivery memo was signed by the Produce Exchange Corporation Ltd., *vide Ex.s R-13 and R-14*. He has further deposed that the block of Rajmata was returned *vide letter Ex. R-15* which bears his signatures. He also testified that the cover Ex. R-16 was sent by his firm. A certificate, Ex.R-17, was also given by his firm. I find both the witnesses reliable and there is no reason why their testimony should not be acted upon.

102. Shri N. K. Shejwalkar (R.W.4) Advocate, in paragraph 22 of his statement has deposed that he, as Mayor of Gwalior, was associated with the celebration of Golden Jubilee, i.e., Ardh Sati Samarak of respondent No. 1 and exercise books like Ex.P-14 were printed and distributed at that time. In paragraph 30, he has clearly stated that it is wrong to say that the exercise books like Ex.P-14 were distributed by both the respondents during the mid-term election in the Bhind parliamentary constituency. Respondent No. 1 as R.W.5, in paragraph 11 of her statement has stated that exercise books like Ex.P-14 were distributed on the occasion of her 50th birthday by the Samiti which consisted of the popular citizens of Gwalior and it was on 15th October, 1969. She has emphatically stated that she did not distribute nor did she authorise the distribution of the exercise books like Ex.P-14 anywhere during the election period and she did not incur any expenditure about its printing. I have already observed while discussing the evidence of Ex-Maharana, Udaipur (R.W.9) and Shri Atal Bihari Bajpal (R.W.11) that they have very clearly stated that no exercise books like Ex.P-14 were distributed at the time when they were present in the meeting and that seems to be true. Thus, there is no reliable evidence on record to show that the exercise books were distributed on the dates as deposed to by the witnesses examined by the petitioner. The petitioner himself has not been able to say anything about their distribution and this kind of evidence produced by the petitioner not only falls short of the standard of proof but the evidence led by the petitioner has no evidentiary value to prove a charge of bribery.

103. Shri P. L. Dube, learned counsel for the petitioner has invited my attention to Ex.s P-2 and P-126, both of 20th February 1971 to suggest that these two documents showed that they were on the cover like the one which is on Ex.P-14. This by itself, and without more, does not prove that the exercise books as alleged by the petitioner, were got printed and distributed in the manner alleged. The petitioner has absolutely failed to prove the allegation of bribery and this issue, therefore, is decided in favour of the respondents and against the petitioner.

104. Issue No. 2(b).—This issue has been decided by me *vide* my Order dated 15th October 1971.

105. Issue No. 3.—This issue relates to limitation and it has been decided *vide* my Order dated 15th October 1971, separately.

106. Issue No. 4.—The petitioner having failed to prove both the issues (Nos. 1 and 2), he is not entitled to any relief.

107. In the result, this petition is dismissed with costs. There shall be two sets of counsel fee, for the respondent No. 1—Rs. 600 and for the respondent No. 2 Rs. 100. This amount shall be deductible from the security amount deposited by the petitioner. The balance of the amount he refunded after obtaining the receipt.

(Sd.) SURAJBHAN,
Judge.

27-4-1972

ANNEXURE

ELECTION PETITION NO. 4 OF 1971 Vs.

Rajmata Vijaya Raje Scindia and another
Ramsewak

ORDER

Issue No. 3

(on preliminary issues 1(b), 2(b) and (3))

It is not in dispute that the result of the election was declared by the returning officer in this case on 11th March, 1971. The election petition was filed on 26th April, 1971. The respondent No. 1 in para 8 of her written statement has said that the petition filed by the petitioner is not within time.

2. Chapter V of the Representation of the People Act, 1951 (here-in-after called the Act) deals with the counting of votes. S.66 deals with the declaration of the result and S.67-A says that for the purposes of this Act, the date on which a candidate is declared by the returning officer under the provisions of S.53 or S.66 to be elected to the House of the Parliament.....shall be the date of election of that candidate. S.81 of the Act prescribes the period of 45 days for filing the election petition either by the candidate or any elector from the date of the election of the returned candidate.

3. 25th of April, 1971 was a Sunday and the petition in this case was filed by the petitioner on the 26th April, 1971. Thus, it is clearly within time, and the learned counsel for the respondent No. 1 has not been able to show as to how this petition was not within time. The objection raised on this ground is apparently groundless, and hence this issue is decided in favour of the petitioner.

Issue No. 1(b)

4. The petitioner in para 10 of his petition has alleged that the respondent No. 1 and her election agents had incurred or had authorised expenditure in connection with her election, between the dates 27th January, 1971 and 11th March, 1971, in contravention of S.77 of the Act. i.e. she exceeded the prescribed limit which was Rs. 35,000/- in this case, under S.77(3) of the Act, read with rule 90 of the Conduct of Election Rules, 1961, (here-in-after called the rules), and thus she is guilty of corrupt practice under S. 123(6) of the Act.

5. In para 10-A(1) of the election petition, the petitioner has dealt with the use of 4 helicopters. It is alleged that they were used for the purposes of election by the respondent No. 1 herself as also by her election agent and that the expenditure on that account has not been included in the return of Election Expenses. He has given the places visited by the respondent alongwith the dates by helicopters, and the election expenses are said to be to the extent of Rs. 70,000/-. In para 10-A(1)(b) names of places visited by respondent No. 2 along with the dates are given,

and so also by her election agent, in connection with her election. In para 10-A(1)(c) it is said that Maharaaja Scindia, son of respondent No. 1, visited the places on the dates mentioned in the said para, with the consent of respondent No. 1, in connection with her election, and similar is the case in para 10-A(1)(d).

6. Shri K. A. Chitale, the learned counsel for the respondent No. 1, has invited my attention to para 10 and 10-A(1) of the written statement of the respondent No. 1, and stressed that the allegation in question lacks in material particulars, as neither the numbers of Helicopters in question have been given nor their owner has been named, nor it is shown who had chartered them and on what dates, and in the absence of such important particulars, the allegation cannot be enquired into. He further invited my attention to para 10-A (3)(c) of the petition also, and argued that the allegations therein are only inferential and conjectural and so they cannot constitute a definite allegation of facts, and in support, he relied on the rulings in R. M. Seshadri V. G. Vasantha Pai and others (A.I.R. 1969 S.C. 692), Samant N. Balakrishna, etc. v. George Fernandez and other etc. (A.I.R. 1969 S.C. 1201), Ram Dayal v. Brijraj Singh and others (A.I.R. 1970 S.C. 110), Smt. Sarla Devi W/o Dwarkaprasad v. Birendrasingh S/o Beni Singh and others (A.I.R. 1961 M.P. 127) and Balwant Singh v. Lakshmi Narain (1962 Doabia's Election Cases, 77).

7. Shri P. L. Dubey, the learned counsel for the petitioner, on the other hand, urged that the petitioner has very clearly said that 4 helicopters were used by respondent No. 1 for the purposes of her election. The places she visited with dates are also given. The corrupt practice pleaded is that of incurring or authorising to incur the expenditure during the election in contravention of S.77 of the Act, and it has nothing to do with either the hire or of procuring of the helicopters. He, therefore, urged that it was not necessary to mention in the election as to who had chartered the helicopters in question and other matters agitated by the other side, and in support he cited the rulings in Kamal Narain v. D. P. Mishra and anr. (1970 M.P. L.J. 862) and Shri Kishan v. Sat Narain and ors. (1968 Doabia's Election Cases, 123).

8. On giving my careful consideration to the contentions raised before me by the learned counsel on both sides, I am of the view that the paragraphs in question cannot be said to be lacking in material particulars, so far as the decision of this issue is concerned.

9. At the very outset, I must say that S.123(6) prescribes incurring or authorising to incur expenditure in connection with the election in contravention of S.77 of the Act, amounts to a corrupt practice. S.77 of the Act deals with the account of election expenses, and about the maximum limit prescribed therefor. Sub-section (3) of this section also says that the total of the said expenditure shall not exceed such amount as may be prescribed, which is Rs. 35,000/- in the instant case, and sub-section (1) says that the candidate at the election, either by himself or by his election agent, shall keep separate and correct accounts of all expenses incurred in connection with the election, whether incurred by self or authorised by him or by his election agent, between the dates of the publication of the notification calling the election and the date of declaration of the result thereof (both days inclusive). S.83 deals with the contents of the election petition. S.83(1)(b) provides that an election petition shall set forth full particulars of any corrupt practice that the petitioner alleges, including as full a statement as possible, of the names of the parties alleged to have committed such corrupt practice and the date and the place of the Commission of such corrupt practice etc.

10. So, from the language used, it is quite clear that this provision of law requires the setting forth of full

particulars of corrupt practice and specially it mentions at least three particulars must be given viz, the names of parties alleged to have committed the corrupt practice, the dates when such corrupt practice is said to have been committed and also the place of the commission of such corrupt practice. It is true that in stating the material facts, if the words of the section are merely quoted, the efficacy of the words 'material facts' would be lost, as Their Lordships of the Supreme Court have observed in Samant N. Balakrishna etc. v. George Fernandez and others (A.I.R. 1968 S.C. 1201). It is also equally true that the allegation of corrupt practice should be given with sufficient fullness and clarification, so that the opposite party may fairly meet the same as these are quasi criminal proceedings; and the standard of proof required is that which should be beyond a reasonable doubt as is required in criminal offences. Otherwise, without the material particulars, the enquiry will only be rambling and a roving one which S.83 of the Act protects.

11. As aforesaid, the corrupt practice alleged by the petitioner against the respondent No. 1, is that of having incurred or having authorised the expenditure in connection with her election in contravention of S.77 of the Act. It is not a corrupt practice under S.123(5) of the Act. In cases of corrupt practice under S.123(5), as reported in Balwant Singh v. Lakshmi Narain (1962 Doabia's Election cases, 77). Their Lordships of the Supreme Court have explained that this corrupt practice consists in the fact of hiring or procuring of vehicles for the conveyance of voters and not the contract of hiring or procuring. Thus if the particulars about the use of a vehicle for conveying voters to and from the polling stations with the other necessary details are given, Their Lordships held that it was sufficient compliance with the provisions of law, and it was not necessary to give any more details, such as contract of hiring or arrangement for procuring.

12. In the instant case, the petitioner has mentioned that four helicopters were taken on hire. In para 10-A(3)(c) it is further mentioned that they were hired or procured by respondent No. 1, and the Bhartiya Jan Sangh party or Shri Shejwalkar had nothing to do with those helicopters. It mentions the places as also gives the dates of visit at those places of respondent No. 1, his election agent and others, which was gone with her consent. It also mentioned the amount or expenditure incurred in connection with such visits. It is also mentioned that the said helicopters were used for election purposes. Both the respondents have, however, denied this allegation and the expenditure said to be incurred in regard to them. Their contention is that in reality it was the Bhartiya Jan Sangh, a political party, who had used them for the purpose of their party propaganda, and they were not used by the respondents any other person with their consent.

13. In my view, the corrupt practice pleaded, gives all the material particulars as are required by S.83 of the Act, and it was not necessary for the petitioner to add who had chartered those helicopters or who was their owner, although the petitioner has alleged that they were hired by the respondent No. 1. Therefore, hold that the allegation in the election petition regarding the helicopters does not lack in material particulars.

14. Para 10-A(4) of the election petition deals with the use of 35 motor-cars by the respondent No. 1 in connection with her election or about their use by her election agent, and the expenditure on that account, incurred or authorised by her, amounting to Rs. 22,000 has not been included in the return of the election expenses.

15. Shri Chitale contended that the petitioner has given the numbers of only 11 vehicles, and so also about their type, and the names of the owners. Regarding the rest, no such particulars have been given,

16. Shri Dube for the petitioner has agreed on the point. He says he would confine this allegation only regarding the 11 vehicles with regard to which the aforesaid particulars have already been given, and leave the rest out of account.

17. In the circumstances, it is ordered that the petitioner shall not be allowed to lead evidence in the matters of vehicles of which particulars are wanting, but he shall confine his evidence only in regard to those 11 vehicles of which particulars are on record.

18. Since now the allegation in question is confined only to 11 vehicles, the petitioner shall, if he so desires, make the corresponding amendment in respect of the amount of Rs. 22,000/-, which pertained to 35 vehicles, as shown in para 10-A(1)(iv). This amendment, if he so chooses, shall be carried out within ten days.

19. This issue is therefore answered accordingly.

Issue 2(b)

20. This issue deals with an allegation of the petitioner made in para 10-A(5) read with para 11 of the election petition. According to the petitioner it is bribery, and is covered by S.123(1) of the Act.

21. In para 11, the petitioner has mentioned 5 names of persons who are said to have distributed about 50,000 exercise books, and has also given the places and the dates when this was done.

22. Shri Dube has agreed that he would confine this allegation of bribery, only so far as it relates to the five persons named in the petition as the distributors, and about which the places are mentioned and the dates are also shown. In the circumstances it is not now necessary to supply any more particulars, as the material particulars in regard to the allegation to which Shri Dube will now confine are already there.

23. This issue is answered accordingly.

(Sd.) SURAJBHAN.

Judge

15-10-71.

[No. 82/MP/4/71.]

New Delhi, the 29th July 1972

S.O. 2693.—In pursuance of section 106 of the Representation of the People Act, 1951, the Election Commission hereby publishes the Order dated the 6th July, 1972 by the High Court of Judicature at Patna in Election Petition No. 6 of 1971.

ELECTION PETITION NO. 6 OF 1971

Sri Narndra Bahadur Cinha & another—Petitioner
Versus

Sri Ramdeo Singh.—Opposite Party.

Respondents are ready. Today again an oral prayer has been made on behalf of the petitioners for time. It seems to me that the petitioners are not serious in prosecuting the election petition. This will appear from the following facts:—

2. The election petition was filed so far back as on the 26th April, 1971 and it was admitted on the 13th May, 1971, and issues were settled on the 15th November, 1971. On the 9th December, 1971, an order was passed for summoning witnesses. On the 4th May, 1972 the case was ordered to be put up after seven days for fixing a date for hearing. From the 15th May 1972, the matter was adjourned to the 17th May 1972. On the 17th May, 1972, it was ordered that the hearing of the case will commence from the 26th June, 1972 that when the High Court is reopened after the summer vacation, and it was directed that the witnesses will be examined at the rate of five per day from the 26th June, 1972. Since 26th June, 1972, the petitioners have

always prayed for time on each date and have been already allowed time on three occasions. From 26th June 1972, the case was adjourned to 28th June 1972, and from the date to 3rd July, 1972. On 3rd July, 1972, on the prayer made for adjournment, the case was adjourned to today but a warning was administered that if the petitioners defaulted on the next date, law will take its own course. To day also the petitioners are not ready with the case and have prayed for time. The only conclusion that I can draw is that the prayer is unjust and the petitioners are adopting dilatory tactics and are not serious to prosecute the case and intend merely to delay the disposal. Prayer for time, is accordingly, rejected, and the counsel appearing on behalf of the petitioners are asked to proceed with the case. They express their inability and submit that they have no further instruction in the matter.

3. Section 86(7) of the Representation of the People Act, 1961 enjoins upon the High Court to make an endeavour to conclude the trial within six months from the date on which the election petition is presented to the High Court for trial. The election petition was presented on the 26th April, 1971, and today is the 6th July, 1972. Despite clear direction for the hearing of the case and repeated adjournments, the petitioners are not prepared to prosecute the case. It follows from the case of Sawalla Bihari Lall Verma v. Tribikram Deo Narain Singh and others (A.I.R. 1965 Patna 378) that the election petition can be dismissed for default in a situation like this.

4. In the result the election petition is dismissed for default, but in the circumstances of the case no order for cost is made.

Let a substance of the above decision be communicated immediately to the Election Commission and the Speaker of Lok Sabha and thereafter send an authenticated copy of the decision to the Election Commission.

Sd/- J. NARAIN

[No. 82/BR/6/71.]

New Delhi, the 16th August 1972

S.O. 2694.—In pursuance of the provisions contained in sub-section (1) of Section 13AA of the Representation of the People Act, 1950, and in supersession of its notification No. 508/KL/69, dated the 29th September, 1969, the Election Commission, in consultation with the State Government, hereby designates the District Collector of each of the Districts in the State of Kerala as the District Election Officer of the District of which he is the District Collector.

[No. 508/KL/72.]

नई दिल्ली, 16 अगस्त, 1972

एम० ओ० 2694.—लोक प्रतिनिधित्व, 1950 की धारा 13कक की उपधारा (1) में अन्तर्विष्ट उपबन्धों के अनुमरण में और अपनी अधिसूचना म० 508/केरल/69, तारीख 29 सितम्बर, 1969 को अधिकांत करते हुए, निर्वाचन आयोग, केरल राज्य सरकार के पारमर्श से, उम राज्य के सभी जिलों के प्रत्येक जिला कलक्टर वह, उम जिले के लिए, जिमका वह जिला कलक्टर है, जिला निर्वाचन आफिसर के रूप में एतद्वारा पदाभिहित करता है।

[म० 508/केरल/72]

ORDERS

New Delhi, the 8th June 1972

S.O. 2695.—Whereas the Election Commission is satisfied that Shri Gopal, 89, Senoor Colony, Katpadi, Senoor Post, Gudiyatham Taluk, North Arcot District, Tamil Nadu, a contesting candidate or election to the House of the People from 6-Vellore Parliamentary Constituency, held in March, 1971 has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate even after due notice has not given any reason or explanation for the failure;

And whereas, the Election Commission is further satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Gopal to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. TN-HP/6/71(1).]

आदेश

नई दिल्ली, 8 जून 1972

एस० ओ० 2695.—यतः निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1971 को हुए लोक सभा के निर्वाचन के लिए 6-वैलोर संसदीय निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री गोपाल, 89-सेन्यूर कालोनी, कटपाड़ी, पो० मेन्यूर, गुड्हीयाट्टम तालुक, जिला उत्तरी अर्काट, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

अब, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी उस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है तथा निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित नहीं है ;

और, यतः, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित नहीं है ।

अतः, अब, उक्त अधिनियम को धारा 10क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री गोपाल को संसद के किसी भी सदन के या किसी राज्य के विधान सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए इन आदेश की तारीख से तीन वर्ष की कालावधि के लिए निर्हित घोषित करता है ।

[न० तमिलनाडू-ल००स० 6/71 (1)]

New Delhi, the 13th June 1972

S.O. 2696.—Whereas the Election Commission is satisfied that Shri Jugal Kishore, Post Office and Village Maulasar, Tehsil Didwana, District Nagaur (Rajasthan) a contesting candidate for election to the House of the People from 23-Nagar Parliamentary Constituency, held in March, 1971, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate, even after due notices has not given any reason or explanation for the failure; and the Commission is further satisfied that he has no justification for this failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Jugal Kishore to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. RJ-HP/23/71.]

नई दिल्ली, 13 जून, 1972

एस०ओ० 2696.—यतः निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1971 में हुए लोक सभा के लिये निर्वाचन के लिए 23 नागौर संसदीय निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री जुगल किशोर पोस्ट तथा ग्राम मौलासर, तहसील दीड़वाना, जिला नागौर, (राजस्थान), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

अब, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिए जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है तथा निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित नहीं है ;

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री जुगल किशोर को संसद के किसी भी सदन के या किसी राज्य के विधान सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए, इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निर्हित घोषित करता है ।

[स० राज० ल०० स०/23/71]

New Delhi, the 14th June 1972

S.O. 2697.—Whereas the Election Commission is satisfied that Shri Jayarama Gounder, Thuthiappattu Adukambarai Post, Vellore Taluk, North Arcot District, Tamil Nadu a contesting candidate for election to the Legislative Assembly from 39, Kaniyambadi assembly constituency, held in March, 1971 has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951 and the Rules made thereunder;

And whereas, the said candidate even after the due notice has not given any reason or explanation for the failure;

And whereas the Election Commission is further satisfied that he has no good reason or justification for the failure.

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Jayarama Gounder to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. TN-LA/39/71(2).]

नई दिल्ली, 14 जून, 1972

एम० ग्रो० 2697.—यतः, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1971 में हुए विधान सभा के निर्वाचन के लिए 39-कवियमबाड़ी सभा निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री जयाराम गोंडर भूषियाघाट बदुक्काम्बाराई पोस्ट, वेल्सुर तालुक, नाथूर अक्राट ज़िला, तमिलनाडू, लोक प्रतिनिधित्व अधिनियम, 1951 तथा निर्वाचन वनाएँ गए नियमों द्वारा यथा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

श्रीर, यतः, उक्त उम्मीदवार ने, उसे मम्यक सूचना दिए जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है;

श्रीर, यतः: निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

यतः, अब, उक्त अधिनियम की धारा 10-के अनुसरण में निर्वाचन आयोग एवं द्वारा उक्त श्री जयाराम गोंडर को संसद् के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[म० तमिलनाडू-वि० स०/71(2)]

New Delhi, the 15th June 1972

S.O. 2698.—Whereas the Election Commission is satisfied that Shri Sahul Hameed K., 34, Eda Street, Saidapet, North Arcot District, Vellore, Tamil Nadu, a contesting candidate for election to the Legislative Assembly from 40-Vellore assembly constituency held in March, 1971 has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate even after the due notice has not given any reason or explanation for the failure;

And whereas the Election Commission is further satisfied that he has no good reason or justification for the failure.

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Sahul Hameed K. to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for period of three years from the date of this order.

[No. TN-LA/40/71(3).]

नई दिल्ली, 15 जून, 1972

एम० ग्रो० 698.—यतः, निर्वाचन आयोग का समाधान हो गया है कि पार्श्व 1971 को हुए विधान सभा के निर्वाचन के लिए 40-वैनोर वभा निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री साहुल हमीद के०, 34-एडा स्ट्रीट, सैदापेट, वैनोर, ज़िला उत्तरी

अक्राट, तमिलनाडू, लोक प्रतिनिधित्व अधिनियम, 1951 तथा निर्वाचन वनाएँ गये नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

श्रीर यतः, उक्त उम्मीदवार ने, उसे मम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है;

श्रीर यतः: निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है,

यतः, अब, उक्त अधिनियम की धारा 10-के अनुसरण में निर्वाचन आयोग एवं द्वारा उक्त श्री साहुल हमीद के० को संसद् के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने श्रीर होने के लिए, इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[स० तमिलनाडू-वि० स०/40/71(3)]

New Delhi, the 18th June 1972

NO. 2699.—Whereas the Election Commission is satisfied that Shri P. V. Abraham, Palakkat, South Marady Post Office, Muvattupuzha, Kerala, a contesting candidate for mid-term Election to the Kerala Legislative Assembly held in 1970 from 70-Muvattupuzha constituency has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951 and the Rules made thereunder;

And whereas the said candidate, even after due notices, has not given any reason or explanation for the failure and the Election Commission is further satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri P. V. Abraham to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. KL-LA/74/70.]

नई दिल्ली, 16 जून, 1972

एम० ग्रो० 2699.—यतः, निर्वाचन आयोग का समाधान हो गया है कि 1970 में हुए केरल विधान सभा के लिए निर्वाचन के लिए 70-मुवात्तुज़हा निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री पी० वी० अब्राहम, पालक्काट, माउथ मारडी पो० आ० मबीतुपुरहा, केरल लोक प्रतिनिधित्व अधिनियम, 1951 तथा निर्वाचन वनाएँ गये नियमों द्वारा यथा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

श्रीर, यतः, उक्त उम्मीदवार ने उसे मम्यक सूचनाएँ दिए जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, श्रीर निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई अच्छा कारण अथवा न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-के अनुसरण में निर्वाचित आयोग एनद्वारा उक्त श्री पी० वी० अशाहम को संमद् के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० केरल-वि०-सं०/74/70]

New Delhi, the 22nd June 1972

S.O. 2700.—Whereas the Election Commission is satisfied that Shri Teke Changdeo Balvant, Wari, Tal. Kopargaon (Maharashtra), a contesting candidate for election held in March, 1971 to the House of the People from 37-Kopargaon constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notices, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Teke Changdeo Balvant to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MT-HP/37/71(9).]

नई दिल्ली, 22 जून, 1972

एस० ओ० 2700.—यतः निर्वाचित आयोग का समाधान हो गया है कि, 1972 में हुए लोक सभा के निर्वाचित के लिए 37 कोपर-गाँव निर्वाचित क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री टेके चन्द्रदेव बलवंत, बारी ताल कोपरगांव, महाराष्ट्र, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तवधीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचित व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

अब, या: उक्त उम्मीदवार ने उसे सम्पर्क "संस्कारण" दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है; तथा निर्वाचित आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित नहीं है।

अतः अब उक्त अधिनियम की धारा 10-के अनुसरण में निर्वाचित आयोग एनद्वारा उक्त श्री टेके चन्द्रदेव बलवंत को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० महा०-लो०सं०/37-72(9)]

New Delhi, the 7th July 1972

S.O. 2701.—Whereas the Election Commission is satisfied that Shri Mohan Behera, Village Suvani, Post

Office Keuta Suvani, District Ganjam, Orissa State, a contesting candidate for election to the Orissa Legislative Assembly from Dura (SC) constituency has failed to lodge an account of his election expenses within time and in the manner required by the Representation of the People Act, 1951, and the rules made thereunder;

And whereas the said candidate, even after due notices, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Mohan Behera, to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order

[No. OR-LA/70/71.]

नई दिल्ली, 7 जुलाई, 1972

एस० ओ० 2701.—यतः निर्वाचित आयोग का समाधान हो गया है कि उम्मीदवार विधान सभा के लिए निर्वाचित के लिए दरा (ओ० जा०) निर्वाचित क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री मोहन बेरहा, ग्राम मुवानी, डाकखाना कोउटा मुवानी, जिला गन्जाम, उडीपा, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाये गये नियमों द्वारा अपेक्षित समय के अन्दर तथा रीति से अपने निर्वाचित व्ययों का लेखा दाखिल करने में असफल रहे हैं;

और, यतः उम्मीदवार ने उसे सम्पर्क सूचना देने के पश्चात् भी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है; और निर्वाचित आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित नहीं है;

अतः अब उक्त अधिनियम की धारा 10-के अनुसरण में निर्वाचित आयोग एनद्वारा उक्त श्री मोहन बेरहा को संसद के दोनों सदनों में से किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० उडीपा-वि० सं०/70/71]

New Delhi, the 11th July 1972

S.O. 2702.—Whereas the Election Commission is satisfied that Shri M. Kariyan, Thirunelly Amsom, Thrissileri Desom, P.O. Thrisseleri Via, Kattikulam a contesting candidate for general election to the Kerala Legislative Assembly from 14-North Wynad constituency held in 1970 has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951 and the Rules made thereunder;

And Whereas, the said candidate even after the due notice has not given any reason or explanation for the failure and the Election Commission is further satisfied that he has no good reason or justification for the failure.

Now, Therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the

said Shri M. Karivan to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. KL-LA/14/70.1]

नई दिल्ली, 11 जुलाई, 1972

एस० ओ० 2702.—यतः निर्वाचन आयोग का समाधान हो गया है कि 1970 को हुए केरल विधान सभा के लिए निर्वाचन के लिए 14—तार्थ वाइनाडि निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री एम० करियान, विश्वेली अमसोम, श्री बिलेरी देसोम, पी० आ० थिसिलेरी वाया कट्टुकुनम, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई लेखा भी दाखिल करने में असफल रहे हैं।

और, यतः उक्त उम्मीदवार ने उसे सम्यक सूचना देने पर भी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है; और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-के अनुसरण में निर्वाचन आयोग एवं उक्त उम्मीदवार उक्त श्री एम० करियान को संसद के दोनों सदनों में से किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए, इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[स० केरल-वि०स०/14/70.]

New Delhi, the 21st July 1972

S.O. 2703.—Whereas the Election Commission is satisfied that Shri Navlakha Bansikumar Manikchand, 52/54, Babu Bhuvan, Veer Vithaldas Chandan Street, Vadgadi, Bombay-3, a contesting candidate for election held in March, 1971 to the House of the People from 4-Bombay South constituency, has failed to lodge an account of his election expenses in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notices, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Navlakha Bansikumar Manikchand to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MT-HP/4/71(10).]

नई दिल्ली, 21 जुलाई, 1972

एस० ओ० 2703.—यतः निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1971 को हुए लोक सभा के लिए निर्वाचन के 11—4-बम्बई दिनिंग निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री नवलखा बन्शीकुमार मानिकचन्द, 52/54, बाबू भवन, वीर

विट्ठलदास चन्दन स्ट्रीट, बाडगड़ी, बम्बई-3, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित रीति से अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं।

और, यतः उक्त उम्मीदवार ने उसे सम्यक सूचना देने पर भी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है; और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-के अनुसरण में निर्वाचन आयोग एवं उक्त श्री नवलखा बन्शीकुमार मानिकचन्द को संसद के दोनों सदनों में से किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए, इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[स० महा०-ल०-स०/4/71(10)]

New Delhi, the 28th July 1972

S.O. 2704.—Whereas the Election Commission is satisfied that Shri Sabna Dehri, R/o Village Amir Tolā, P.O. Amrapara, District Santhal Parganas (Bihar) who was a contesting candidate for general election to the House of the People from 24-Rajmahal (ST) Parliamentary Constituency held in March, 1971 has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder:

And whereas the said candidate, even after due notices, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Sabna Dehri to be disqualified for being chosen as and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-HP/24/71(1).]

नई दिल्ली, 28 जुलाई, 1972

एस० ओ० 2704.—यतः निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1971 में हुए लोक सभा के लिए निर्वाचन के लिए 24-राजमहल (आ० ना०) निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री सावना देहरा निवासी ग्राम अमीरबोला, पी० आ० अमरसारा, त्रिना मंशाल-गंगाना (विहार) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं :

और, यतः उक्त उम्मीदवार में उसे सम्यक सूचना देने पर भी अर्थी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है; तथा निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है,

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री सावन, देहरी को संसद के दोनों सदनों में से किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए, लिए, इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरर्हित घोषित करता है।

[स० बिहार-ल० स०/24/71 (1)]

S.O. 2705.—Whereas the Election Commission is satisfied that Shri Christopher Oraon, R/o Village Natawal, P.O. Bhagi Tola, P.S. Dumri, District Ranchi (Bihar) who was a contesting candidate for general election to the House of the People from 52-Lohardaga Parliamentary Constituency held in March, 1971 has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas after considering the representation made by the said candidate the Election Commission is satisfied that he has no good reason or justification for such failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Christopher Oraon to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-HP/52/71(2).]

एस० ओ० 2705.—यतः निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1971 में हुए लोक सभा के लिए साधारण निर्वाचन के लिए 52-लोहरदगा निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री कृष्णोफर उरांव, ग्राम नटवाल, पो० आ० भागीटोला, थाना डुमरी, जिला रांची (बिहार) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्विन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और, यतः उक्त उम्मीदवार द्वारा दिये गये अभ्यावेदन पर विचार करने के पश्चात्, निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित नहीं है,

अतः, अब उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री कृष्णोफर उरांव को मंपद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए, इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरर्हित घोषित करता है।

[स० बिहार-ल० स०/52/71 (2)]

New Delhi, the 29th July 1972

S.O. 2706.—Whereas the Election Commission is satisfied that Shri Saheb Ram Marandi, R/o Village Nayabad, P.O. Motia, District Santhal Parganas (Bihar) who was a contesting candidate for general election to the House of the People from 25-Godda Parliamentary Constituency held in March, 1971 has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notices, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Saheb Ram Marandi to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-HP/25/71(3).]

नई दिल्ली, 29 जुलाई, 1972

एस० ओ० 2706.—यतः, निर्वाचन आयोग का समाधान हो गया है कि 1971 में हुए लोक सभा के लिए साधारण निर्वाचन के लिए 25-गोड्डा निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री साहेबराम मराण्डी, ग्राम नयाबाद, पो० ओ० मोतिया, जिला सन्थाल परगना, बिहार लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्विन बनाए गए नियमों द्वारा अपेक्षित कोई भी निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं;

और, यतः उक्त उम्मीदवार ने, सम्यक सूचना दिए जाने पर भी अपनी असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित नहीं है,

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री साहेब राम मराण्डी को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए, इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरर्हित घोषित करता है।

[स० बिहार-ल० स०/25/71 (3)]

New Delhi, the 7th August 1972

S.O. 2707.—Whereas the Election Commission is satisfied that Shri Sanatan Mallik, At/P.O. Danagad, District Cuttack (Orissa) a contesting candidate for election to the Legislative Assembly from 22-Sukinda Assembly Constituency, held in March, 1971, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951 and the Rules made thereunder;

2. And whereas, the said candidate even after due notices has not given any reason or examination for the failure and the Commission is satisfied 'hat he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Sanatan Mallik to be disqualified for being chosen as, and for being, member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. OR-LA/22/71.]

नई दिल्ली, 7 अगस्त, 1972

एस० ओ० 2707.—यतः, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1971 में हुआ विधान सभा के निर्वाचन के लिए 22- सुकिन्दा सभा निर्वाचन क्षेत्र में चुनाव लड़ने वाले उम्मीदवार श्री सनातन मलिक, प० ओ० आ० दानागढ़ी, जिला कटक (उडीसा), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदधीन बनाए गए नियमों द्वारा यथा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और, यतः, उक्त उम्मीदवार ने उसको सम्यक सूचनाएँ दिए जाने पर भी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित नहीं है,

अतः, अब, उक्त अधिनियम की धारा 10-के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री सनातन मलिक को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस अदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[स० उडीसा-वि० स०/22/71]

S.O. 2708.—Whereas the Election Commission is satisfied that Shri S. Francis, President, Alanvilaloor Thalakulam Village, Kanyakumari District a contesting candidate for bye-election to the Tamil Nadu Legislative Assembly from 230-Colachel Constituency, held on 24th May, 1970 has failed to lodge an account of his election expenses in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate even after the due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure.

Now, therefore, In pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri S. Francis to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this Order.

[No. TN-L.A./230)/Bye./70(4).]

“एस० ओ० 2708—यतः, निर्वाचन आयोग का समाधान हो गया है कि 24 मई, 1970 को हुए तमिलनाडु विधान सभा के उप निर्वाचन के लिए 230 कोलाचेल निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री एस० फांसिस, व्रद्ध्यक्ष अलान विल्योर थालकुलम ग्राम, कन्याकुमारी जिला, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदधीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं;

और, यतः, उक्त उम्मीदवार ने उसे सम्यक सूचना दिए जाने पर भी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित नहीं है,

अतः, अब, उक्त अधिनियम की धारा 10-के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री एस० फांसिस को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस अदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[स० तमिलनाडु-वि० स०।(230)/उप/70(4)]

New Delhi, the 11th August 1972

S.O. 2709.—Whereas the Election Commission is satisfied that Shri Krishna Kripal Satiar, Golapati, P.O. and District Malda, West Bengal, a contesting candidate for election to the House of the People from 7-Jangipur Parliamentary Constituency held in 1971 has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951 and the Rules made thereunder;

2. And whereas the said candidate, even after due notice has not given any reason or explanation for the failure and the Election Commission is further satisfied that he has not good reason or justification for the failure;

3. Now, therefore, in pursuance of section 10A of the said Act the Election Commission hereby declares the said Shri Krishna Kripal Satiar to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. WB-HP/7/71(1).]

By Order,
A. N. SEN, Secy.

नई दिल्ली, 11 अगस्त, 1972

एस० ओ० 2709.—यतः, निर्वाचन आयोग का समाधान हो गया है कि 1971 में हुए लोक सभा के लिए निर्वाचन के लिए 7 जंगीपुर संसदीय निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री कृष्ण कृपाल सतियार, गालापट्टी, डा० और जिला मालदा, प० बंगाल, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदधीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है तथा निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित नहीं है ;

अतः, अब, उक्त अधिनियम की धारा 10-के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री कृष्ण कृपाल सतियार को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस अदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[स० प० बं०-ल०० स०/7/71/1]

आदेश से,
ए० एम० सैन, सचिव।

New Delhi, the 26th June 1972

S.O. 2710.—In pursuance of section 111 of the Representation of the People Act, 1951 (43 of 1951) the Election Commission hereby publishes the report of the High Court of Mysore at Bangalore dated the 13th December, 1971, under the said section, in Election Petition No. 6 of 1971.

IN THE HIGH COURT OF MYSORE AT
BANGALORE

Dated the 13th Day of December 1971

BEFORE THE HONOURABLE MR. JUSTICE E.S.
VENKATARAMIAH.

ELECTION PETITION NO. 5 OF 1971

BETWEEN

M. N. Naghnoor, S/o Nabi Sab, 45 years, Advocate
183, Lower Palace Archards, Bangalore. 3—
Petitioner.

(By Shri R. Venkateswara Rao, Shri V. Hari Rao
and Shri M. S. Narayana Rao)

AND

1. A. K. Kotra Setty, M.P., Advocate, Aged 35 years, Belgaum.
2. D. A. Katte, Aged about 50 years, Advocate, Chikkodi, Belgaum Dist.
3. B. A. Kulkarni, Father's name not known, aged about 35 years, Advocate, Belgaum.
4. V. B. Galgalli, father's name not known, aged about 50 years, Landlord, Begar-base, Belgaum.
5. Jakati Mallasaraja Bojappa, Father's name not known, aged about 40 years, Ayurvedic College, Shahapur, Belgaum City
6. Sri Varma S. P. Sen, Chief Election Commissioner of India, Talkatora Road, New Delhi.
7. Sri M. Syed Mursheed Peer, Chief Electoral Officer, Mysore State, Vidhana Soudha, Bangalore. 1.
8. Returning Officer, for the Mysore, Belgaum Parliamentary Constituency, Belgaum. Respondents

(By Sri. R.M. Patil, Sri. V.H. Ron, Sri L.G. Havanur, Advocates for Respondent No. 1. Sri S.G. Sundarawamy and Sri P.R. Srinivasan, Advocates for Respondent No. 6; Sri B. K. Ramachandra Rao, Additional Government Advocate for Respondents Nos. 7 and 8; Respondents Nos. 2, 3 and 5 placed ex parte as per orders dated 9 July, 1971; Respondent No. 4 placed ex parte as per orders dated 6 August 71).

Election Petition filed by the Petitioner under Section 81 read with section 100 of the Representation of the People Act, 1951 challenging the election of the Respondent No. 1 to the House of the People from Belgaum Parliamentary Constituency in the Mid-term Elections held in the month of March 1971; and seeking an order that (i) the election of the Respondent No. 1 to the House of the People from the Belgaum Parliamentary Constituency be declared as void; (ii) the respondent No. 1 is guilty of corrupt practices under Section 123 clauses 1, 3, 5, and 7 of the Representation of the People Act, 1951; (iii) the respondents 6 to 8 ordered to bring all the ballot papers that were used by the voters in the Belgaum Constituency into the custody of the Court; (iv) an order be passed for inspection and examination of the used ballot papers by such scientific experiments to ascertain if, they were chemically treated in the manner and for the purpose stated in the petition; (v) for all other consequential and incidental orders and for such other reliefs as

may be deemed fit and proper under the circumstances of the case; (vi) and for costs of the petition.

This petition coming on for hearing this day, the Court made the following:

ORDER

VENKATARAMIAH, J.

In the above petition an order was passed on November 22, 1971, permitting the petitioner to withdraw the petition and the notice of withdrawal was directed to be published in the Gazette of India, and the Mysore Gazette. Accordingly the said notice of withdrawal has been published in the Gazette of India dated November 25, 1971 and in the Mysore Gazette dated November 25, 1971.

No person has been substituted as petitioner under clause (c) of sub-section (3) of Section 110 of the Representation of the People Act, 1951. The period of fourteen days after the publication of the notice of withdrawal in the gazette is over. The above fact may be intimated to the Election Commission of India in accordance with Section 111 of the Representation of the People Act, 1951.

Sd/- E. S. VENKATARAMIAH, Judge.

[No. 82/MY/5/72.]

New Delhi, the 15th July, 1972

S.O. 2711.—In pursuance of section 106 of the Representation of the People Act, 1951 (43 of 1951) the Election Commission hereby publishes the Order pronounced on the 7th December, 1971, by the High Court of Mysore at Bangalore in Election Petition No. 6 of 1971.

IN THE HIGH COURT OF MYSORE AT BANGALORE

Dated the 7th day of December, 1971.

Before the Hon'ble Mr. Justice E. S. Venkataramiah

ELECTION PETITION NO. 6 OF 1971.

BETWEEN:

Dr. H. L. Thimmegowda, s/o Lakkegowda, aged 47 years Medical Practitioner, Upper Palace Archards, Bangalore-6.—Petitioner.

(By Sri R. Venkateswara Rao,
Sri V. Hari Rao and
Sri M. S. Narayana Rao).

AND

Respondents

1. Shri Tulasi Dasappa s/o Late H. C. Dasappa, aged 40 years, "Yeso Vilas", Vanivilas Mohalla, Mysore.
2. Shri M. L. Nanjaraja Urs, father's name—not known, Aged about 40 years, No. 83, 2nd Cross Road, Lower Palace Archards, Bangalore-3.
3. Shri Varma, S. P. Sen, Chief Election Commissioner of India, Election Commission of India, Talkatora Road, New Delhi-1.
4. Shri M. Syed Mursheed Peer, Chief Electoral Officer, Mysore State, Vidhana Soudha, Bangalore-1.
5. Returning Officer, for the Mysore Parliamentary Constituency, Mysore.

— (By Sri R. M. Patil, Sri V. H. Ron, Sri L. G. Havanur for Respondent No. 1. Sri M. L. N. Urs. Respondent No. 2 appeared in person on 9th July, 1971, and stated that he has no interest in the case. Sri S. G. Sundarawamy and Sri P. R. Srinivasan for Respondent No. 3. Sri B. K. Ramachandra Rao—A.G.A. for Respondent Nos. 4 & 5).

Election Petition filed by the Petitioner under Section 81 read with Section 100 of the Representation of the People Act, 1951 challenging the election of the Respondent No. 1 to the House of the People from the Mysore Parliamentary Constituency in the Mid-term Elections held in the month of March 1971 and seeking an order the (i) the election of Respondent No. 1 to the House of People from the Mysore Parliamentary Constituency is void;

(ii) the Respondent No. 1 is guilty of corrupt practices under Section 123, Clauses 2, 3 and 7 of the R.P. Act, 1971;

(iii) the ballot papers used by the voters and the unused ballot papers in the Mysore Parliamentary Constituency be brought into the custody of the Court;

(iv) the used ballot papers be inspected and examined by scientific efforts to ascertain if they were chemically treated in the manner and for the purpose stated in the petition and report be called for;

(v) for all consequential and incidental orders may deem fit and proper in the circumstances of the case and for costs.

This Election Petition coming on for trial on 13th 14th, 15th, 16th, 20th, 21st and 30th days of September, 1971, 4th, 5th, 6th, 7th, 11th, 12th, 13th, 14th, 21st, 25th, 26th and 28th days of October, 1971 and 2nd, 3rd, 4th, 8th, 9th, 10th, 15th, 16th, 17th, 18th, 22nd, 23rd, 24th, 29th and 30th days of November, 1971 in the presence of Sri R. Venkateswara Rao, Sri V. Hari Rao, and Sri M. S. Narayana Rao, Advocates for the petitioner and Sri R. M. Patil, Sri V. H. Ron, Sri L. G. Havanur Advocates for the Respondent No. 1 Sri S. G. Sudara, Swamy and Sri P. R. Srinivasan, Advocate for Respondent No. 3, Sri B. K. Ramachandra Rao A.G.A. for Respondent Nos. 4 and 5. Respondent No. 2 appearing in person on 9th July, 1971 and stating that he has no interest in the case and this Election Petition having stood over for consideration, the Court made the following order this 7th day of December, 1971.

ORDER

The petitioner who was a candidate at the election held in the month of March 1971 for Lok Sabha, for Mysore Constituency in Mysore State, has filed the above election petition under Section 81 of the Representation of People Act, 1951 (hereinafter referred to as the Act) calling in question the election of respondent-1 to Lok Sabha from the said constituency at the said election. Respondent-2 was another candidate who contested the said election. Respondent-3 is the Chief Election Commissioner of India. Respondent-4 is the Chief Electoral Officer in the State of Mysore. Respondent-5 is the Returning Officer of Mysore Lok Sabha Constituency.

The grounds urged among others in the petition for declaration for declaring the election of respondent-1 to Lok Sabha as void were the following:—

(1) That the election of respondent-1 was void for the reason that votes recorded on forged and non-genuine ballot papers had been counted in his favour. According to the petitioner at the time of counting of votes it was noticed that the voting marks placed on the election symbol 'calf and cow' which had been assigned to respondent-1 were found in a large number of ballot papers at the same point in all those ballot papers. It was also urged that in a large number of ballot papers no voting marks at all were found anywhere and they were declared as invalid ones. It was pleaded that the rubber stamping on large number of ballot papers referred to above could not have been made by human hand, but must have been made by a mechanical process. The petitioner felt that there must have been a preplanned scheme and that some fraud had been committed in order to secure the success of respondent-1. According to the

allegations in the petition, the petitioner had reason to believe that certain appreciable percentage of ballot papers which were printed for the aforesaid election and had chemically treated. It was urged that the object of chemically treating the ballot papers was to see that any voting mark made at the polling station on the symbols other than the symbol 'calf and cow' by the voters should disappear by the time the ballot papers were taken up for counting and that on the symbol 'calf and cow' a certain mark made with mechanical process appearing to be similar to the mark made by the voters in the polling station, which was invisible at the time when the ballot paper was issued to the voter in the polling station, should appear at the time they were taken up for counting. In other words the petitioner's case on this point was that on account of the chemical treatment of the ballot papers, votes which had been validly cast in favour of candidates other than respondent-1 could not be counted in their favour because they had disappeared by the time the ballot papers were taken up for counting and that the appearance of marks which were invisible at the time when the ballot papers were issued at the polling station, was responsible for counting those ballot papers in favour of respondent-1. It was stated that by using an ultra violet light in a dark room, it was possible to detect bleached impressions of rubber stamps and there were other methods by which the fact whether a ballot paper was chemically treated or not could be detected. It was urged that these ballot papers were chemically treated as a part of a preplanned scheme in order to see that candidates belonging to Congress (R) Party to which respondent-1 belonged succeeded in the election and in doing so the Election Commission had also colluded or connived. It was, therefore, urged that the election of respondent-1 was liable to be set aside on that account.

(2) That the amendment of Rule 56 of the Conduct of Election Rules (hereinafter referred to as the Rules) as it stands today was done with the object of helping candidates belonging to Congress (R) party and that the said Rule was ultra vires.

(3) That the allotment of the symbol 'calf and cow' to Congress (R) party amounted to a corrupt practice. It was urged that the symbol 'calf and cow' was a religious symbol, for a large majority of the Indian Population, namely Hindus considered 'cow' as a sacred animal.

(4) That respondent-1 in the course of the election propaganda canvassed on communal lines by a systematic appeal to the voters on the basis of caste and religion. A large number of workers who worked on behalf of respondent-1 also canvassed on communal lines. It was, therefore, urged that respondent-1 was guilty of corrupt practice under section 123(3) of the Act.

Respondent-1 in his written statement denied all the allegations which had been made in the election petition. He pleaded that the ballot papers had not been chemically treated as alleged by the petitioner; that Rule 56 of the Rules was valid and it had been duly framed; that the symbol 'calf and cow' was not a religious symbol; that neither he nor any of his agents or workers appealed to voters on communal lines, and that the Election Commission had not connived or colluded with Congress (R) Party in order to secure the success of the member of that party at the last Lok Sabha elections. It was also pleaded that the election petition had not been properly presented and the same was barred by time. Respondent No. 2 did not contest the petition.

Respondent-3 denied in the written statement that the ballot papers had been chemically treated as

alleged by the petitioner. He pleaded that he was not in any way a party to the alleged fraud said to have been committed with the object of securing the success of respondent 1 and his party at the Lok Sabha elections. Respondent 3 also pleaded that he was not a necessary party. Similarly respondent 4 and 5 have also denied the allegations in the petition. They have stated that the ballot papers were got printed in accordance with the instructions received by them from the Election Commission of India and that the ballot papers were despatched to the Returning Officer immediately after they were so printed. The allegations that a number of ballot papers were removed from the Printing Press to some other place for purpose of treating them chemically, was also denied by them. It was also stated that there was neither time nor opportunity to remove the ballot papers from the press for the purpose of chemical treatment.

On the basis of the aforesaid pleadings, the following issues were framed on 13th August, 1971:

- I. (a) Whether the petitioner proves that the rubber stamping on the symbol 'cow and calf' on large number of ballot papers used in the election had been made by a mechanical process on chemically treated ballot papers and not by voters?
- (b) Whether the petitioner proves that an appreciable percentage of ballot papers were subjected to chemical treatment?
- (c) Whether the petitioner proves that a corrupt practice has been committed and that the result of the election is materially affected or is otherwise vitiated, in the event of findings on issues I (a) and (b) being in the affirmative?

Deleted on 9th November, 1971

- II(a) Whether the symbol 'cow and calf' is a religious symbol?

- (b) Whether the allotment of 'cow and calf' to respondent 1 amounts to corrupt practice in law?

- (c) Whether the result of the election is materially affected by such allotment, in the event of such allotment being held as a corrupt practice?

- (d) Whether the validity of the election can be called in question in an election petition on the ground referred to in issue II (b) above?

- III. (a) Whether respondent 1 appealed to voters in the course of his election campaign on the basis of community caste and religion?

- (b) Whether the petitioner proves any act referred to in issue III (a) on the part of respondent 1 or any of his agent or agents or by any other person or persons working for him in furtherance of his prospects at the election?

- IV. Whether any of the alleged corrupt practices was committed with the connivance or consent or with the knowledge of respondent 1.

Deleted on 30th November, 1971.

- V. (a) Whether the validity of amendment of Rule 56 of the Conduct of Election Rules can be called in question in an election petition?

- (b) If the validity of amendment of Rule 56 can be called in question in an election petition, whether the amended Rule 56 is *ultra vires*?

- (c) If Rule 56 is *ultra vires*, whether the result of the election is materially affected?

- VI. Whether respondent 3 is a necessary party to the election petition?

Deleted on 30th November, 1971

- VII. Whether the election petition is not properly presented before the Court?

- VIII. Whether the election petition is barred by time?

- IX. What order is to be passed on the election petition?

On 9th November, 1971, Sri R. V. Rao, learned counsel for the Petitioner, submitted that he would not press the grounds covered by issues II (a) to (ii), III (a) and (b) and IV, and on 30th November, 1971, he submitted that he would not press the ground covered by issue No. V (a), (b) and (c). Sri R. M. Patel, learned Counsel for the first respondent, submitted on 30th November, 1971 that he would not press the grounds covered by issues VII and VIII. The resulting position is that only issue I(a) to (c), VI and IX survive for decision in this case.

Issues I(a), (b) and (c).—The above issues relate to the allegation of the petitioner that a substantial number of ballot papers were chemically treated with the object of securing the success of respondent 1. Even though the petition is silent regarding the name of chemical used and the method of treatment of ballot papers with the chemical, there is an averment that it was possible that when a paper was treated with certain chemicals it acquired the characteristic of causing disappearance of mark made with ink which was used at the polling station for ink pads at a subsequent stage and making a mark placed with the help of some other chemical which was invisible when the mark was made, visible at a later stage. It is urged that as a result of such chemical treatment and the printing of invisible marks on the symbol 'calf and cow' on about 30 to 35 per cent on the ballot papers, the marks made by voters at the polling station (by voters) with the help of Kores ink or any other ink, disappeared and the invisible marks placed on the symbol 'calf and cow' which was the symbol of respondent 1 became visible by the time the ballot papers were taken up for counting. It is pleaded that all those papers which had the mechanically printed marks on the symbol 'calf and cow' were counted as valid votes in favour of respondent 1, and, therefore, respondent 1 got about 30 to 35 per cent of the total number of votes polled even though the voters had not given their votes in his favour.

It may be mentioned here that the date on which the ballot papers were chemically treated has not been furnished in the petition. Sri R. Venkateswara Rao the learned counsel for the Petitioner, however, submitted that as can be gathered from the allegations made in the petition, the case of the petitioner was that the ballot papers were chemically treated sometime after they were printed at the Government Central Press, Bangalore, and before they were delivered to the authorised representative of the Returning Officer to be carried to the constituency in question. If that is so, it may be taken that the case of the petitioner is that the ballot papers must have been chemically treated sometime between 12th February, 1971 and 20th February, 1971. The necessary inference which follows from the above allegations is that the ballot papers were treated with a chemical of a specified concentration or quality so that the invisible marks alleged to have been made on the

symbol 'calf and cow' which were not visible by the polling date should become visible on March 10, 1971, which was the date of counting and the marks made by the voters on the polling day disappeared by March 10, 1971.

The evidence on this point consists of (i) the oral evidence of some persons who were present at the time of counting; (ii) oral evidence of M. M. Kulkarni (P.W. 2 in E.P. 2/71) and Dr. O. P. Dharmarah (P.W. 6 in E.P. 3/71) who were examined as experts and whose evidence is treated as common evidence by consent of parties in E.P. 1 to 4 and 6 of 1971; (iii) the oral evidence of P. I. Jacob (R.W. 2) in E.P. 3/71; K.G. Gowda, R.W. 1 in F.P. 2/71, M.S. Hirannaiah, R.W. 2 in E.P. 2/71; M.A. Arham, R.W. 3 in E.P. 3/71, Allabaksh Imam Hasan R.W. 4 in E.P. 2071, M. L. Ramanna R.W. 5 in E.P. 2071 (the evidence of all these witnesses is treated by consent of parties as common evidence in E.P.s. 1 to 4 and 6 of 1971) and R. H. Adhyapak who is examined as R.W. 1 in E. P. 3/71, whose evidence is marked by consent as Exhibit R-6 in this case, and the documents marked through these witnesses and (iv) the result of inspection and scrutiny of certain unused and used ballot papers pertaining the election in question.

On behalf of the petitioner in support of the ground covered by the above issues, five witnesses have been examined. K. Viswanath (P.W. 1) was one of the counting agents of the petitioner at the last election. His evidence is that in a majority of the ballot papers which were rejected there were no voting marks at all. He further stated that in substantial number of ballot papers in which votes had been cast in favour of respondent 1, the voting marks were bright and that he found some difference between the ballot papers in which votes had been cast in favour of the first respondent and the ballot papers in which votes had been cast in favour of respondent 2 and the petitioner. He does not remember any other peculiarity which he noticed in the ballot papers. In cross-examination, he states that he noticed the said peculiarities about the ballot papers within about an hour after the counting began and he mentioned the said fact to the petitioner. The witness did not however object to the said ballot papers and he allowed them to be counted as valid papers. He does not know whether the petitioner took any action on the information furnished by him. This witness is the Secretary of the City Congress Committee (Organisation), Mysore, to which the petitioner belongs.

P.W. 2 is one T. N. Narasimha Murthy. He is an Advocate by profession. He had been appointed as a counting agent by the petitioner at the election. His evidence is that in the case of a large majority of ballot papers in which votes had been cast in favour of the first respondent, the voting marks were at the same place on the symbol calf and cow and they were bright. The ballot papers which had those features were different in colour from the other ballot papers, in the sense that the said ballot papers were whiter than the rest of the ballot papers. He has stated that he mentioned to the petitioner about these peculiarities in the ballot papers in which votes had been cast in favour of the first respondent. The witness states in his cross-examination that he knew the grounds on which the ballot papers could be rejected. But he did not raise any objection to any of those ballot papers since he did not entertain any suspicion on noticing the same peculiarities even at the time of his examination before Court, the witness had not suspicion about the genuineness of the ballot papers.

P.W. 3 is one Elvas Ahmed. He acted as one of the counting agents of the petitioner. His evidence is that just one hour after the counting of votes began

on the 10th of March, 1971, he noticed that majority of ballot papers in which votes had been cast in favour of the first respondent were whiter than other ballot papers and the voting marks on those ballot papers were almost at the same place in each ballot paper and that they were very bright. In all those ballot papers votes had been cast in favour of the first respondent. His further evidence is that he told the petitioner that some fraud had been committed. The witness, however, did not raise any objection before the counting Officer or the Returning Officer and he does not know whether any action was taken by the Petitioner.

N. Lingaiah P.W. 4 is a lawyer by profession. He was also a counting agent of the petitioner. He has stated that he noticed at the time of counting that in the ballot papers in which votes had been cast in favour of respondent 1, the voting marks had been placed at the same place in majority of them and that the colour of the voting marks in those papers was brighter than the colour of the marks in other ballot papers and the third feature which he noticed was that the majority of the ballot paper in which votes had gone in favour of first Respondent were whiter than the other ballot papers and these three features were not to be found in the ballot papers in which votes had been recorded in favour of the petitioner or second respondent. He found that in a large number of invalid ballot papers there were no voting marks at all. The witness is stated to have drawn the attention of the petitioner to these peculiar features. He, however, did not raise any objection before the Counting Officer or the Returning Officer, since it did not occur to him that he should raise any objection to those ballot papers even though he had developed some doubt about their genuineness. He has further stated that the matter was discussed amongst the counting agents at the time of counting.

The petitioner has been examined in this case as P.W. 5. His evidence is that he noticed at the time when the counting of ballot papers was going on that some of the ballot papers in which votes had been cast in favour of the first respondent were brighter than the rest of the ballot papers and that they appeared to have been subjected to extra bleaching. The surface of such ballot papers was smoother than the other ballot papers. He also found that the voting marks in those ballot papers were more or less at the same place on the symbol calf and cow. When he noticed these features, the petitioner felt suspicious about the genuineness of those ballot papers, but he did not report the matter to the Returning Officer because he wanted some more material to satisfy himself that such ballot papers were not genuine ones. The petitioner has further stated that after the result of the elections were declared he made further enquiry about the special features he had noticed in the ballot papers. In that connection, he enquired the members of his party and his friends. He also read a news item that a large number of ballot papers had been found at Chandigarh at some place where they should not have been and also had heard they should not have been and also had heard that there was rumour in circulation in Delhi even before the election that the election would be a rigged one. He had also heard that it was scientifically possible to make a mark made in ink on a paper which was chemically treated disappeared and to make an invisible mark on the paper which would become visible later on. On the basis of the foregoing, the petitioner decided to file the election petition. After inspecting about 2000 unused ballot papers and 1200 used ballot papers which were taken out for inspecting and scrutiny in this case, the petitioner stated that there were some ballot papers which had the special characteristics he had noticed at the time of counting. But he could not pick out

even one ballot paper, out of 3200 ballot papers inspected by him which had been chemically treated. In cross examination, the petitioner stated that the three circumstances which confirmed his doubt about the genuineness of the ballot papers were (1) the publication of the news item that a large number of unused ballot papers pertaining to some other Lok Sabha Constituency had been found at some place at Chandigarh, (2) the discussion which the petitioner had with his friends who told him that it was scientifically possible to make a visible mark disappear and to make an invisible mark appear at a subsequent stage, and (3) the fact that the first respondent polled larger number of votes than what he had polled in 1967 election. The petitioner did not make any other enquiry with regard to the truth or otherwise of the allegation which he had made in the petition and that he admitted that he had no further proof to show that the ballot papers contained mechanically printed marks. The petitioner, however, admitted that he had not taken any ballot papers into his hand and felt at the time of counting, but still he was able to say that some of the ballot papers were smoother by their appearance. The petitioner, who belonged to the party which was running the Government in the State of Mysore, had not chosen to make enquiries with the authorities in the State of Mysore as to whether the ballot papers had been removed to some other place from the Printing Press for purpose of chemical treatment.

The uniform version of the above witnesses of the petitioner is that on 10th March 1971 on which date counting of votes commenced within about two hours, they all noticed that a large number of spurious ballot papers or ballot papers containing marks made by an instrument other than the one provided at polling stations were being counted as valid ballot papers in favour of respondent-1. Later on all of them discussed about it in the course of the day, but still did not raise any objection before the Returning Officers in regard to the same. It may be remembered that the counting took place on the following two days also. They all admit that they were aware of the rule which required the Returning Officer to reject the ballot papers which were spurious or which contained marks made by instruments other than the one provided at the polling station. The conduct of these witnesses in not raising objections in regard to the peculiarities they observed, does not appear to be in conformity with the ordinary conduct of persons who are faced with such a situation. The reason given by the petitioner that he wanted to verify the matter before raising an objection appears to be an after-thought. The further evidence of the petitioner in the above case is that he did not make any attempt to verify whether the suspicion he had about the ballot papers was true or not. No enquiry has been made by the petitioner about the truth or otherwise of the matter. The petitioner has stated that he read some articles published in some periodicals after the Lok Sabha elections dealing with the possibility of chemical treatment.

The petitioner also relied upon the evidence of M. M. Kulkarni P.W. 2 in E.P. 271 whose evidence is marked as Exhibit P-1 in this case and Dr. O. P. Dharmaraj, P.W. 6 in E.P. 2/71 whose evidence has also been marked as exhibit P-2 in this case as expert witness. Their evidence as already stated, is treated as common evidence in all the petitions, E.P. 1 to 4 and 6 of 1971. They were examined in support of the above allegation regarding chemical treatment of ballot papers. M. M. Kulkarni is a person who holds a degree in Engineering. Admittedly he does not possess any high qualification in Chemistry. The extent of his knowledge of Chemistry could only be what he might have studied as an allied subject in the school and in the course of his Engineering study. He however claims that he had occasion to study the

science of invisible ink while he was serving in the British Territorial Army and that he had conducted experiments after the last Lok Sabha elections on visible inks. Be that as it may, the question for consideration is what value should be attached to his evidence.

M. M. Kulkarni was the election agent of Naval Tata who contested from one of the Bombay Lok Sabha Constituencies at the last Lok Sabha elections. Naval Tata was defeated in the election. Kulkarni who was disappointed at the result of that election developed suspicion about the ballot papers and started conducting experiments to find out whether it was possible to treat the ballot papers chemically to achieve the desired result. He appears to have given demonstration before the members of the All India Congress (O) who did not fare well at the last Lok Sabha elections. A reading of the deposition of Kulkarni left me with the impression that he was not a disinterested witness. That however is not the real factor which has led me to feel that his evidence is of no use to the petitioner. There are however other more weighty reasons to come to that conclusion.

In the course of his evidence he has stated that the methods of detection of the fact whether a particular paper was chemically treated or not were many. One of the methods according to him was that if ultra violet rays were made to fall on a sodium chlorite, the treated paper would appear glowing white in colour with fluorescence and if an untreated paper was seen under ultra violet rays, it would have dull and blue colour. He further stated that when he conducted experiments on paper with the help of diazo compound he found that the treated paper appeared to be violet in colour whereas the untreated paper appeared white. According to him there were some other methods of detection with the help of infra red rays, X rays, etc. He also stated that if a treated paper and an untreated were immersed in a solvent which would dissolve the particular chemical, the composition of the solvent after such immersion would be different. He stated that a mark made with the help of Kores ink (methyl violet which is being used in ink pads) would disappear if the paper had been treated before such marking with sodium chlorite or sodium hypochlorite on account of decoloration. The time taken for the mark to disappear, according to the witness, depended on the concentration of chemical used and the quality of paper which was treated. But to a question put by the court, the witness answered that once a mark made by an invisible became visible on a treated paper, it would continue to be visible for an indefinite period unless the paper is again subjected to another chemical treatment. He stated that such a mark would be visible at least for a period of one year. He stated that certain marks which would be invisible to the naked eye would be visible in some cases when they are looked at under ultra violet rays. According to the witness he could differentiate treated papers from untreated papers either by visual inspection or by conducting experiment or with the help of an instrument with which ultra violet rays could be made to fall on paper even without touching the paper. The above evidence was given on September 20, 1971, and the further examination of this witness was postponed to October 4, 1971. On October 5, 1971, I made an order that the Returning Officer should produce before the court the unused ballot papers for purpose of inspection and scrutiny in this case. The unused ballot papers relating to the constituency with which we are concerned in this case and five other Lok Sabha Constituencies in Mysore State were scrutinised by the witness. Before those ballot papers were scrutinised the

witness was asked by the court whether he was in a position to state whether a ballot paper was chemically treated or not if ballot papers printed for the purpose of election in the month of March, 1971 were taken out from the box and shown to him. His answer to that question was that it was possible for him to find out either with the ultra violet rays or by some other method and that he was ready on that day with the necessary equipment to examine the ballot papers with the ultra violet rays. On October 7, 1971, after carefully examining a large number of unused ballot papers pertaining to this Constituency the witness stated that by passing ultra violet rays on a paper it was not possible for him to say whether the paper had been treated with sodium chlorite or not. He further stated to find out with the ultra violet rays whether a piece of paper was treated with any chemical or not, it would be necessary to have the untreated paper of the same kind and quality. He stated that even when both treated and untreated papers are viewed under ultra violet rays, he could only say whether any paper had been treated or not, but could not say whether it was treated with sodium chlorite or not. He further stated that by passing ultra violet rays he could say that the paper had been treated with some chemical and could not say whether the chemical used is a bleaching agent or not. Later on he stated that by passing ultra violet rays on a paper which was treated, he could not say even though he was given the sample of the paper, whether the paper had been treated with a particular chemical. This answer of the witness is at a variance with his statement in his evidence which he gave on September 20, 1971, namely, "method No. 1 when ultra violet rays are made to fall on a chemically treated paper, when it is treated with sodium chlorite of the type on which Exhibits P.1 and P.2 are printed, the treated paper will appear glowing white in colour with fluorescence. Similarly if ultra violet rays are made to fall on the untreated paper it will have dull blue colour." The witness gave a different version after examining the unused ballot papers because he was not able to say that any of those papers was treated with sodium chlorite. As already stated this witness was a person who was interested in making out a case that in the Lok Sabha Elections in India the ballot papers that were used had been chemically treated in order to see that the members of Congress (R) party returned to Lok Sabha in large numbers. The witness further stated at the end of his deposition on October 7, 1971, that the colour of the paper varied under ultra violet rays from one piece of paper to another piece of paper even when it was taken out from the same stock if there was variation in the deposit on the paper of the chemical used for bleaching purposes in the paper factory. In his deposition, on 12th October, 1971 the witness stated that he had seen in all about 35,000 unused ballot papers relating to Election Petitions 1 to 6 of 1971 and he could not say without resorting to some other chemical test whether any of them is treated with sodium chlorite or any other particular chemical. He had seen hundreds of those ballot papers under ultra violet rays and he was not in a position to say whether any of them had been treated with sodium chlorite or not. He further stated that it was not possible to say whether a paper is treated with sodium chlorite or not by passing ultra violet rays on it. He further admitted that he did not find any voting mark anywhere on the unused ballot papers under ultra violet rays. The witness also admitted that he had not conducted any experiment so far by which could regulate the appearance of any invisible mark 18 hours after the marks were made and he could not do any experiment before the court to obtain that result, and he required at least three months time to conduct such an experiment.

The next witness who has been examined as an expert in this case is P.W. 6 in E.P. 2 of 1971, Dr. O. P. Dharmaraj. He is a Professor of Chemistry in a col-

lege affiliated to the University of Delhi. He has stated that he was a former member of Rashtriya Swayam Sevak Sangha and that on the governing council of his college there are some members belonging to Bharatiya Jan Sangh, some of whose members have filed election petitions in the High Court of Delhi containing similar allegations. I shall however deal with his evidence without reference to the above statements.

This witness was summoned on an application made by the petitioner after the case of the petitioner had been closed and after some of the used ballot papers were inspected and scrutinised by the court. In his deposition he stated that he could not say by merely looking at the ballot papers whether any of them was subjected to chemical treatment. He however stated on examining the ballot papers under ultra violet rays that the ballot papers differed in opacity and exhibited different fluorescence or colours. He further admitted that when the paper was manufactured if there was difference in the chemical deposit on the surface of the paper, different portions of the paper would exhibit different colours even when they were taken out from the same roll due to the use of different quantities of sizing agent, binding agent, etc. He stated that in the ballot papers in the five constituencies concerned in E.P. 1 to 4 and 6 of 1971 which he inspected he could not take out any ballot paper by visual examination in which the mark which was originally visible had become invisible because he found in all of them marks put on symbols other than 'calf and cow' were still there. He stated that nobody by mere visual examination of paper could say that it was chemically treated. Even by looking at the ballot papers under ultra violet rays, he was not in a position to say whether the ballot papers contained mechanically printed marks or the marks were shining. He could only say whether any particular paper was whiter than the other. This witness admitted that he was present at the time when M. M. Kulkarni gave demonstration at Constitution Club, New Delhi, about his experiment. He was present at that place for about 20 minutes. He had discussed the matter with M. M. Kulkarni before he came to court to give evidence and he had also read the deposition of M. M. Kulkarni. The witness admitted that if a printed paper was given to him and he was asked to treat the paper chemically with the object of making an invisible mark visible later on and visible mark disappear at a later stage, he could not off hand say how he should experiment. After examining the ballot papers he stated that none of the ballot papers which he had seen in the court had been subjected to chemical treatment by applying sodium chlorite in liquid form. The witness next stated that a paper treated with sodium chlorite when viewed under ultra violet lamp would emit yellow fluorescence. This statement is inconsistent with the statement of M. M. Kulkarni who on the first day of his examination stated that a paper treated with sodium chlorite would emit glowing white colour under ultra violet. This witness however admitted that sodium chlorite was sometimes used by paper manufacturers as bleaching agent. His further evidence was that even when a mark which was visible at the commencement became invisible at a later stage, there would be some stain on the paper and it depended upon the nature of chemical used and the nature of the ink used and he did not observe any such stain by visual examination and even under ultra violet rays in any of the ballot papers examined by him. He however, made it clear in his deposition that he could not say whether any of the ballot papers which he had examined in court had been chemically treated or not. This witness made use of ultra violet lamp in court while giving evidence. Continuing he said because he found different alignment of the mark between one ballot paper and another ballot paper, he would say that the marks were not made mechanically.

The above witness was approached by the counsel for the petitioner through Balraj Mudhol who was a colleague of this witness at Delhi University and who had also filed an election petition with similar allegations before the High Court of Delhi. This witness proceeded to state that a mark made with the help of Kores ink on a chemically treated paper and which disappeared at a later stage could not be detected by looking at the paper under ultra violet rays. This statement is slightly at variance with the statement of M. M. Kulkarni, namely, "certain invisible marks to the naked eye become visible in some cases when looked at them under ultra violet rays." This witness was one of the opinion that in one of the ballot papers which he inspected in court under ultra violet rays had any mark which was invisible to a naked eye but which was visible when it was made. Lastly he stated that to his knowledge it was not possible with the equipment available in India to treat about ten lakhs of ballot papers with sodium chlorite in a period of ten days or less. The above question was asked in the context of the election petitions which were being tried in this court. He also stated that by the experiment he conducted, he had not been able to regulate the time of appearance of invisible mark, but he had been able to regulate the time of disappearance of a visible mark.

Apparently the information which this witness possesses regarding the possibility of treating a paper chemically with the object of making a visible mark disappear and an invisible mark appear, appears to be of a recent origin. The witness has admitted in the course of his deposition that he attended the demonstration given by M. M. Kulkarni at the Constitution Club, Delhi, out of curiosity and thereafter he conducted experiments to find out whether a mark placed on a paper would disappear after some time and whether it can be made to appear at a later stage even though it was invisible at the commencement. He has stated that the demonstration which M. M. Kulkarni gave was a surprise to him. If that is the position, then it is very difficult to place much reliance on the evidence of this witness because by his own statement it is clear that prior to his meeting M. M. Kulkarni in the month of March, 1971, he had no idea of this branch of chemistry. I find it difficult to accept the evidence of this witness without reservations.

Even granting that there was a possibility of treating ballot papers chemically as is pleaded by the petitioner, the question still remains whether it has been done in this case. The evidence of an expert witness under section 45 of the Evidence Act is not conclusive and cannot be used as substantive evidence. The court must look for corroboration from the other evidence adduced in the proceedings to come to assure itself about the correctness or otherwise of the opinion of the expert. The court will have to take into account the various factors that surround the transaction which is in dispute and should judge the case on the face of both external and internal evidence available in the case. The Supreme Court while dealing with evidence of a hand writing expert observed in BANURAM vs. PRASANNI (A.I.R. 1950 Supreme Court, 93) as follows:

"Section 67 of the Indian Evidence Act (1 of 1872) provides *inter alia* if a document is alleged to be signed by any person the signature must be proved to be in his hand writing"

Sections 45 and 47 of the said Act prescribe the methods in which such signature can be proved. Under Section 45 the opinion of the hand writing experts is relevant while under Section 47 the opinion of any person acquainted with the hand writing of the person who is alleged to have signed the document is admissible. The explanation to the section explains when a person can be said to be acquainted with the hand writing of another person. Thus there can be no doubt as to the manner in which the alleged signature of the appellant

could and should have been proved; but even assuming that the signature of the appellant can be legally held to be proved on circumstantial evidence the principle which governs the appreciation of this kind cannot be ignored. It is only of the court is satisfied that the circumstantial "evidence irresistibly leads to the inference that the appellant must have signed the form that the court can legitimately reach such a conclusion. In our opinion, it is impossible to accede to Mr. Doabia's argument that the facts held proved in the High Court inevitably lead to its final conclusion that the appellant had in fact signed the form. It is clear that in reaching this conclusion the High Court did not properly appreciate the fact that there was no legal evidence on the point and that the other facts found by it cannot even reasonably support the case for respondent-1."

Hence, unless there is other reliable evidence in the case which leads to the conclusion that the ballot papers must have been tampered with as suggested by the petitioner, it would not be safe to act merely on the evidence of the experts and come to a conclusion one way or the other on the question in issue. We should also bear in mind that the experts are not always disinterested.

The most important material available in the above question is the result of inspection and scrutiny of ballot papers themselves. On October 5, 1971, I made an order that the Returning Officer should produce before the court the sealed boxes containing unused ballot papers and accordingly they were produced. The counsel for the petitioner was asked to select at random a few packets containing unused ballot papers of different polling stations in the constituency for purpose of scrutiny and inspection. He accordingly selected more than 2000 ballot papers pertaining to this constituency and after inspection of ballot papers it was noticed that in none of them there was any mark resembling a voting mark on the symbol 'calf and cow'. M. M. Kulkarni one of the experts examined in the case who examined the ballot papers under ultra violet rays also was not able to say whether any of them had been chemically treated.

Now let me explain the usefulness of the examination of the unused ballot papers in determining the truth or otherwise of the allegations made in this petition. It is admitted that the ballot papers were printed with serial No. 1 upto the serial number of the last voter in the Lok Sabha Constituency. On an average there were about five lakhs of voters in each constituency and the ballot papers which are printed would therefore bear serial No. 1 to 5,00,000 or little more or less depending upon the number of voters in each constituency. It is stated that to each polling station in a constituency approximately about 1000 voters would be assigned. Thus, ballot papers bearing serial No. 1 to 1,000 would have been assigned to the first polling station; ballot papers bearing serial No. 1,001 to 2,000 would have been assigned to the second polling station; ballot papers bearing serial Nos. 2,001 to 3,000 would have been assigned to polling station No. 3 and so on. It is also not possible to imagine how voters would exercise their right to vote at each polling station. Hence if there was a preplanned scheme to see that about 35 per cent of all the ballot papers were chemically treated in such a way that invisible mark on the symbol 'calf and cow' should become visible at a later stage, then amongst the ballot paper which were not used, there must have been some papers in which the invisible marks had become visible. The only way of avoiding this contingency was by seeing that only the first few ballot papers assigned to each polling station were chemically treated so that all such papers would be used and there would be no trace of such a mark among the unused ballot papers. In fact that was the submission made on behalf of the petitioner. It was argued that the chemically treated ballot papers were among the first three hundred to four hundred papers

in each polling station. Then if about 35 per cent of the total number of ballot papers had been so treated as alleged by the petitioner, then amongst the used ballot papers the percentage of treated ballot papers should be nearly 60 to 70 per cent because the average voting in any polling station would be about 80 per cent of the total voters. That however is not the case of the petitioner. Hence, I feel that the absence of even a single ballot paper among the unused ballot papers containing the voting mark said to have been mechanically made on the symbol 'calf and cow' is a very strong circumstance against the contention of the petitioner. It is very difficult to accept that it was possible for anybody to see that not even a single ballot paper which was so chemically treated was found in the bundle of unused ballot papers for no one knew how many voters in a given area would go to a polling on the date of the poll.

I shall now deal with the result of examination of used ballot papers during the course of the election petition. When the trial of this petition was in progress, the Supreme Court pronounced its judgment in Civil Appeal 1343/71 (Shashi Bhushan v. Prof. Balraj Madhok and others) and Civil Appeal No. 1473/71 (Amar Nath Chawla v. Kanwar Lal Guntu and others) which had been filed by some successful candidates who were respondents in some election petitions pending on the file of the High Court of Delhi in which similar allegations had been made. Following the said decision, I ordered that the Returning Officer should produce all the used ballot papers including the rejected ballot papers for purpose of inspection and scrutiny before the court and it was accordingly done. The counsel for the petitioner was permitted to select at random certain number of ballot papers from the boxes containing the used ballot papers. Accordingly the counsel for the petitioner selected 800 ballot papers in which votes had been cast in favour of respondent-1 and 400 ballot papers in which votes had been cast in favour of the petitioner and 10 rejected ballot papers. Thereafter the said ballot papers were scrutinised by the counsel for the parties and by the court. I recorded the result of the visual examination of those ballot papers in a separate proceeding which was drawn up at that time. On visual examination of those ballot papers I felt that the allegation that a large majority of ballot papers had been chemically treated with the desired object was not true. I found in the ballot papers in which votes had been cast in favour of respondent-1 the voting marks were sometimes to the left of the symbol 'calf and cow', sometimes to the right of the symbol and sometimes on the symbol itself. Even when the voting marks were on the symbol itself, they were not found at the same position in all the ballot papers. The angle of the arrow mark in the voting mark varied from the ballot papers to the other. In none of the ballot papers in which votes had been cast in favour of petitioner, the voting mark had disappeared or had become dull. An examination of the ballot papers in which votes had been cast in favour of respondent-1 as well as the petitioner showed that the brightness of the mark varied from paper to paper depending upon the quantity of ink present on the instrument provided at the polling station for placing the voting mark. The allegation that in a large majority of ballot papers in which votes had been cast in favour of respondent-1, the voting marks were at the same point in all the ballot papers and were uniform in brightness and the marks were shining was not substantiated by the result of visual examination of those papers. The ballot papers appeared to be natural in form and none of them appeared to have been chemically treated. In fact that is the opinion of Dr. O. P. Dharmanand, one of the experts examined in this case. The statement of other witnesses of the petitioner that certain peculiar features were noticed in a large majority of ballot papers by them at the time of counting was also not substantiated. It is not doubt true that the colour of the paper between one ballot paper and another was slightly dissimilar. That was because the ballot papers were selected at random for

purpose of inspection. I am satisfied on the examination of the ballot papers that no further enquiry in this regard is necessary. In the judgment of the Supreme Court in the cases cited above, it was observed that if the Court came to the conclusion on an examination of certain number of ballot papers selected at random, that the matter should be further probed into the court might take evidence on the point at issue including the evidence of expert witnesses and thereafter it was open to the court to direct or not to direct a general inspection of the ballot papers. In view of what is stated above, I am of the opinion that no case has been made out to direct a general inspection of the ballot papers.

The other evidence which remains to be considered in this case is the evidence of the witnesses examined on behalf of the respondents. The Deputy Election Commissioner of India, P. I. Jacob has been examined on behalf of the Chief Election Commissioner in this case. He was examined as R. W. 2 in E. P. 3 of 1971 and by consent of parties his evidence is read as common evidence in E.P. 1 to 4 and 6 of 1971. A copy of his deposition is marked as Exhibit R. 7 in this case. This witness was in charge of the last Lok Sabha Elections. Under section 19 A of the Representation of the People Act, 1951, he was authorised to exercise the powers of the Election Commission subject to supervision and control of the Chief Election Commissioner. He has stated that the paper used for printing of ballot papers in Mysore was procured from the Mysore Paper Mills Limited, Bhadravati, pursuant to an order made by the Director General of Supplies and Disposals, India. The colour, size and substance of the paper to be used for printing ballot papers were prescribed by the Election Commission. The colour of the ballot paper was prescribed as 'cream wove white'; the size of the paper was prescribed as 43 cms. by 69 cms. and the substance of the paper was prescribed as 10.9 kgs. per ream, by the Election Commission of India. The instructions regarding the printing of ballot papers were issued as per paragraphs 22 and 23 in Chapter II of the Hand Book for Returning Officers (page 34 and 35). Exhibit R.5 and E. P.3 of 1971 is the said book. This witness states that the instructions had been issued that ballot papers should be printed under maximum security conditions and should be despatched to the various constituencies in closed vans under police escort. He emphatically denied that any of the ballot papers used in any of the Lok Sabha Constituencies which were concerned in E. P. 1 to 4 and 6 of 1971, the ballot papers had been taken out of the press after they were printed and they were chemically treated before they were delivered to the Returning Officers or their authorised agents. He denied that there was any preplanned scheme to which the Election Commission was a party under which it was intended that respondent-1 who belonged to Congress (R) party should succeed. He also denied that there was any fraud committed with the connivance of the Election Commission in that direction. The witness stated that it was not true to say that the ballot papers used in any constituency had been tampered with or chemically treated or they were replaced by another set of ballot papers which had been chemically treated. It was also denied by this witness that in many of the ballot papers in which votes had been cast in favour of respondent-1 the voting marks had been made with the help of an instrument or mechanical device other than the one provided at the polling station. Accordingly to this witness the object of prescribing that the counting of votes should take place on the same day in all the constituencies in India except in West Bengal was to see that the result of the election in any of the constituencies in which poll had taken place did not have any effect on another constituency where poll had not yet taken place. The date of poll in West Bengal was March 10, 1971. Nothing has been brought out in cross-examination of this by the counsel for the petitioner to discredit his testimony. He was however questioned about the discovery of certain papers at Chandigarh at a place where the ballot papers should

not have been found. He stated that these ballot papers did not relate to the constituency with which we were concerned and that he had investigated into the same and found that certain number of ballot papers which should have been destroyed by the press had not been destroyed, but had been sold waste paper to the contractors after March 15, 1971 by which time election in India had been over. Similarly he stated that his investigation into another allegation that certain ballot papers were being removed in two railway wagons bound for Madhya Pradesh also revealed that it did not affect the result of the election in any constituency.

The next witness examined on behalf of the Respondents is R.W. 1 in E.P. 2 of 1971 who is again a common witness. His deposition is marked as Exhibit in this case. He is the Assistant Director of Stationery, Government Press, Bangalore. He has stated that the ballot papers which were used at the last Lok Sabha elections in Mysore State were all printed at Government Central Press, Bangalore. The Paper which was used for printing ballot papers were purchased by the Government Central Press from Mysore Paper Mills Ltd., Bhadravathi. He produced Exhibit R-3 in E.P. 2 of 1971 which was the challan under which the paper was supplied by the Mysore Paper Mills Ltd., Bhadravathi. The paper was received on 1st December, 1970 and from out of that stock of paper, certain quantity was released for purposes of printing ballot papers from 10th February, 1971 and 17th February, 1971. Exhibits R-4 and R-10 in E.P. 2 of 1971 are the indents given by the Assistant Director of Printing for supply of paper. In cross-examination he has stated that the Press did not place order for papers specifically for the purpose of Lok Sabha elections held in March 1971. In answer to a question regarding the type of paper that was issued for printing the ballot papers, witness stated that Cream Wove paper had been issued. When his attention was drawn to some discrepancy between Exhibit R-4a, and R-6a on the one hand and Exhibits R-5a, R-7a, R-8a, R-9a and R-10a, he answered that by mistake instead of Cream Wove paper it might have been written as white paper in Exhibits R-5a, R-7a, R-8a, R-9a and R-10a. The witness stated that he had not noticed the discrepancy in the description of paper referred to above at the time when the paper was issued for printing. He stated that the entire quality supplied under Exhibit R-3 was supplied from one stock.

M. S. Hirannaiah, R. W. 2, in E. P. 2 of 1971 whose deposition is marked as Exhibit R-2 in this case, is the Assistant Director, Government Central Press, Bangalore, and he was in charge of the printing of ballot papers. He stated that the programme of printing and despatch of ballot papers was settled by the Chief Electoral Officer in consultation with the Director of Printing as per Ex. R-11 in Exhibit-2 of 1971. The said document is signed by the Under Secretary working under the Chief Electoral Officer. This witness stated that he received instructions regarding the printing of ballot papers from the authorised representatives of the Returning Officers. He printed the ballot papers in accordance with Form No. 7A (Ex. 12 to 16 in E.P. 2/71) sent by the Returning Officers. After the proof of the ballot papers in respect of each constituency was approved by the concerned authorised representative of the Returning Officer, the ballot papers were printed and after the ballot papers were printed they were numbered serially from No. 1 to last number of the ballot paper printed for that constituency. After the ballot papers were printed and were cut to size, they were being taken to another portion of the Government Printing Press Premises, which was known as 'Election Shed', where the ballot papers used to be kept in sealed boxes. There they were checked, counted and bundled into bundles of 500 each. Exhibit R-17 in E.P. 2 of 1971 is the programme of work of printing of ballot papers which was being maintained by this witness.

The said Exhibit R-17 contains the date on which the ballot papers were despatched and according to this witness till the ballot papers were despatched they used to be at the Election Shed'. He has further stated that the printing Press where the ballot papers were being printed and the 'Election Shed' where the ballot papers were being kept were under the care and protection of the watch and ward staff of the Press and the Police Officers whose services were secured for the said purpose at the time when the ballot papers being printed at the Government Central Press. Thus witness has been cross examination of length, but I do not find that anything is brought out to discredit the testimony of this witness. Sri R. V. Rao, learned counsel for the petitioner, however argued that this witness had not explained the difference in the colour of some of ballot papers and the user of a bigger type of numerals in some cases to print serial number of the ballot papers than what were used in the case of other ballot papers. It was open to the petitioner on whom the burden of proof lay in this case to have put the question about them to this witness but he has not done so. It would be unfair to draw any inference against the witness or the respondents without drawing the attention of the witness to these points raised on behalf of the petitioner. The position of the petitioner in an election petition is not that of an accused in a Criminal case and it is not open to a petitioner in an election petition to raise some point which is likely to lead to some doubt and to claim the benefit of it and on that basis to seek a declaration that the election is void. In fact the position of the petitioner in an election petition is equivalent to the position of the prosecution in a Criminal case. The petitioner cannot take advantage of a circumstance of the above kind.

The next witness examined on behalf of the respondent is M. A. Arham, R. W. 3 in E. P. 2 of 1971, who is again a common witness. His evidence is marked as Exhibit R-3 in this case. He was an Under Secretary to the Government of Mysore and was in charge of election. He was working under the directions of the Chief Electoral Officer at the last Lok Sabha elections. He has stated that he was visiting the Press nearly 4-5 times every day when the ballot papers were being printed and during the time when the ballot papers were in the premises of the Government Press, Bangalore. He was in charge of the supervision of the printing of ballot papers. He was assisted by Allabaksh Inam, Section Officer—R. W. 4 in E. P. 2 of 1971 and M. M. Kalburgi, a Senior Assistant. His duty was to see that the ballot papers were printed and despatched well in time through the authorised representatives of the Returning Officers after they were duly checked, scrutinised and bundled at the Government Central Press. R.W. 4 in E.P. 2 of 1971 is Allabaksh Inam whose evidence is marked as Exhibit R. 4 in this case. He was the Section Officer who was assisting M. A. Arham referred to above. His evidence corroborates the evidence of M. A. Arham.

M. L. Ramanna, R. W. 5 E. P. 2/1971 who is again a common witness and whose evidence is marked as Exhibit R-5 in this case, is the Police Officer who was in charge of security arrangements at the Government Central Press, Bangalore, at the time when the ballot papers were being printed for the last Lok Sabha elections. His evidence is that from 12th February, 1971 to 3rd March, 1971 he had made necessary security arrangements. He had posted one Head Constable and 3 Constables to be in charge of the security of Government Central Press and they had to be in charge of security of the Press all the 24 hours during that period. No doubt the police officers used to do their job by turns along with the members of the Watch and Ward staff of the Government Central Press. He has stated that he was visiting the premises of the Government Central Press occasionally to verify whether the persons who had been entrusted with the duty of looking after the premises of the Press were doing their job properly or not.

R. H. Adhyapak who has been examined as R. W. 1 in E. P. No. 3 of 1971 was the authorised representative of the Returning Officer in connection with the printing of ballot papers. He was also appointed as the authorised representative in respect of Chamarajanagar Lok Sabha Constituency. It may be mentioned here that the Deputy Commissioner Mysore was the Returning Officer of both the Mysore Lok Sabha Constituency and Chamarajanagar Lok Sabha constituency. The evidence of this witness was recorded in E. P. 3 of 1971 and by consent of parties the said evidence is treated as common evidence in this case also. The evidence of this witness has been marked as Exhibit R 6 in this case. His evidence is that he came to Bangalore on 12th February, 1971 in connection with the printing of ballot papers for Chamarajanagar and Mysore Lok Sabha Constituencies and he was attending to that work at the Government Central Press, Bangalore, between 13th February, 1971 and 20th February, 1971. He has stated that he approved the proofs of ballot papers and after the ballot papers were printed he individually checked all the ballot papers. After the ballot papers were so checked and bundled into bundles of 500 each, they were placed in dealwood boxes and thereafter he carried them under Police escort to Mysore City. In cross-examination, he has stated that he had brought some Assistants to help him in connection with the checking of ballot papers. He has further stated that between the 13th and 16th of February 1971 the printing of ballot papers was going on and between the 16th and 19th the sorting work according to serial number and bundling was done. He took delivery of the ballot papers on the 20th morning and carried them the same day to Mysore. He has denied the allegation that the ballot papers after they were printed had been removed outside the Press before they were made ready for despatch to the Returning Officer. On reading the evidence of this witness and the other witnesses examined on behalf of the respondents as a whole, I am satisfied that adequate arrangements had been made regarding the security of the ballot papers at the Government Central Press and the ballot papers were never removed from the premises of the Government Central Press until they were actually delivered to the authorised representatives for the purpose of being carried to constituencies.

Sri R. Venkateswara Rao, the learned counsel for the petitioner urged that the Chief Electoral Officer had not produced the sample of the paper used for the printing of ballot papers which had been retained at the Government Central Press, Bangalore even though he was called upon to do so by the petitioner, and, therefore, an adverse inference should be drawn against him. In reply to the memo of the petitioner calling upon the Chief Electoral Officer to produce the said sample paper, the Additional Government Advocate had stated that the paper was with the Government Central Press and the petitioner could take steps to summon it. Neither the Director of Government Central Press nor the State of Mysore is a party to this petition and the Government Central Press is not under the Chief Electoral Officer. It was open to the petitioner in these circumstances to have taken steps to summon the said paper from the Government Central Press which he has not done. No adverse inference can therefore be drawn against the Chief Electoral Officer on this ground.

It was next contended by the counsel for the petitioner that the chemical analysis of the ink that was used at the polling stations for the purpose of making the voting marks on the ballot papers had not been produced by the Election Commission. The petitioner cannot make a grievance of this because he had not asked the Election Commission to produce the same. One other ground urged by Sri R. V. Rao was that the Stock Ledger of the Government Central Press, Bangalore, had not been produced by the Chief Electoral Officer. As already stated the Chief Electoral Officer could not be called upon to produce any document which was in the custody of the Government Central

Press. Hence the petitioner cannot also make a grievance of it. The allegation that any of the ballot papers had been removed from the premises of the Press to some other place after they were printed and before they were delivered to the agent of the Returning Officer for purposes of treating them chemically is baseless. I also hold that the allegations made by the petitioners against the Election Commission in the petition are untrue.

It is significant that the petitioner did not make any enquiry at the Government Central Press, Bangalore, to find out whether the ballot papers had at all been removed to some other place. It may be mentioned here that the Government Central Press, Bangalore, was a department of the State Government and during the relevant time, the Government in the State of Mysore was being run by the members of Indian National Congress (O) party. It is, therefore, very difficult to accept the case of the petitioner that in collusion with or with the connivance of the Election Commission, that somebody was able to treat the ballot papers chemically.

The petitioner has also not placed before the Court any positive evidence to show that the ballot papers had been taken out of the premises of the Government Central Press by somebody with the object of chemically treating them and replacing them by another set of chemically treated ballot papers.

At this stage, I may refer to the prayer made by the petitioner in an Interlocutory Application seeking permission of the court to recall O. P. Dharmaraj again and to allow the ballot papers used at the election to be subjected to a chemical examination. I am of the opinion that in the circumstances of this case, no case has been made out for any further investigation in this case. The said Interlocutory Application is, therefore, rejected.

Neither in the petition nor in the course of the evidence, the petitioner has suggested any motive which must have prompted the Chief Election Commissioner to become a party to the alleged act of chemical treatment of ballot papers. Having regard to the status which is assigned to the Election Commission and the security of tenure guaranteed to the Chief Election Commissioner in the Constitution of India, it is very difficult to believe that the Chief Election Commissioner was interested in one political party as against others. It appears that when the petitioner and several others who opposed the Congress (R) party, failed very badly at the election even in places where they were sure of their success and being unable to explain the cause for their failure, were in search of an alibi, the theory that the elections were rigged by resorting to chemical treatment of ballot papers which was the figment of the imagination of a deeply disappointed person with a fertile brain and which was given wide publicity just before the time for filling election petitions was over, was readily adopted by them as a ground to challenge the elections to some successful candidates. It is unfortunate that such grave allegations have been made in these proceedings without due verification. It is significant that the petitioner was not able to furnish any particulars about any of the persons involved in the alleged corrupt practice, but only relied upon the evidence of some witnesses who have given evidence regarding some peculiar features which they observed in some of the ballot papers at the time of counting. The result of the visual examination of the ballot papers both used and unuscd, and the other material which is available in the case totally belie the story that the ballot papers had been chemically treated and lead me to the conclusion that the allegation that certain peculiar features were observed by the witnesses for the petitioner at the time of counting must have been invented as an after thought to suit the theory that the success of the Congress (R) party was on account of the chemical treatment of ballot papers. After giving my anxious consideration to all aspects of this case, I feel that the

allegations made against the Election Commission and the officials connected with the election process are wholly unjustified. I fully exonerate the Chief Election Commissioner, the Chief Electoral Officer, the Returning Officer and all other officers who were entrusted with the duties connected with the election of all the charges and other veiled and sinister suggestions made against them.

I, therefore, hold on Issue No. 1 (a) the petitioner has failed to prove that the rubber stamping on the symbol of 'cow and calf' on large number of ballot papers used in the election had been made by a mechanical process on chemically treated ballot papers and not by voters; and on Issue 1(b) that the petitioner has failed to prove that an appreciable percentage of ballot papers were subjected to chemical treatment. Issue No. 1 (c) therefore, does not survive.

Re: Issue No. VI.

The next issue for consideration is Issue No. VI viz., whether the Election Commission is a necessary party to the election petition. It was contended by Sri S. G. Sundara Swamy, learned counsel for respondent-2, that in view of Section 82 of the Representation of People Act, 1951, it was not open to the petitioner to implead any person other than the candidates as respondents to the petition. On going through Section 82, I feel that the said Section only prescribes that all the contesting candidates should be made parties to an election petition. It does not say that no other person should make a party to the election petition. When allegations of corrupt practice are made in an election petition against some persons other than a candidate, there is nothing wrong in impleading them as parties even at the stage of the presentation of the petition. It may be mentioned that under Section 99 of the Representation of People Act if the Court trying an election petition wants to hold a person other than a candidate guilty of corrupt practice it has to issue a notice to him and then decide the said question. That only shows that persons other than the candidates could be made parties to an election petition. Even if it is to be held that the Election Commission was not a necessary party. I feel that the Election Commission in the circumstances of this case was a proper party. I, therefore, hold on Issue No. VII that respondent-3 Election Commission of India is a proper party though not a necessary party to the petition.

Re: Issue No. IX.

In view of my findings on Issue Nos. I(a), (b) and (c), this petition fails and is dismissed.

In view of the baseless allegations made in the petition, I feel that in the circumstances of the case, the petitioner should be directed to pay by way of costs Rs. 650/- to respondent-1; Rs. 650/- to respondent-3 and Rs. 650/- to respondents 4 and 5 together.

(Sd.) E. S. VENKATARAMIAH,

Judge 7-12-1972.

[No. 82/MY/6/72.]

New Delhi, the 29th June 1972

S.O. 2712.—In pursuance of Section 106 of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby publishes the Order, dated the 10th January, 1972 of the High Court of Gujarat at Ahmedabad in Election Petition No. 1 of 1971.

IN THE HIGH COURT OF GUJARAT AT
AHMEDABAD

ELECTION PETITION NO. 1 OF 1971

Shri Prasannadas Damodardas Patwari, adult, occupation social worker, residing at Pritamnagar, Ellisbridge, Ahmedabad—Petitioner.

Versus

1. Shri Indulal Kanaiyalal Yagnik, residing at Mission Road, Ahmedabad.

2. Shri Jaykrishna Harivallabhdas, residing at Sanaibag, Ahmedabad-4.
3. Shri Jaysukhlal T. Parmar, 165, Harijan Ashram, Savarmali, Ahmedabad-1.
4. Smt. P. H. Parmar, residing "Jatan" Chimanlal Girnarial Road, Ellisbridge, Ahmedabad-6.
5. Shri Bipin Krishna Pandya, residing at 6, Jayeshwar Society, Sanaibag, Ahmedabad-4.
6. Shri V. B. Raju residing at ... A, Swastik Society, Ahmedabad-9.
7. Shri V. T. Parmar, residing at 531, Harijan Vas Knodi Amli, behind Prakash Cinema, Ahmedabad—Respondents.

Mr. C. T. Daru with Mr. H. B. Shah for the petitioner.
Mr. R. M. Mehta with Mr. G. A. Pandit and Mr. J. C. Shan for Respondent No. 1,

Rest of the Respondents served.

Coram: Division. J. 10-1-72

The petitioner herein has challenged the election from Ahmedabad Parliamentary Constituency for the purpose of election to the Lok Sabha. His name was shown in the Electoral Roll of this Constituency for the election to the Lok Sabha held on March, 1, 1971. He has challenged herein the election of respondent No. 1, who was declared by the authorities concerned to have been elected to the Lok Sabha from Ahmedabad Parliamentary Constituency as a result of the election held on March 1, 1971. The seven candidates, who are all joined as respondents Nos. 1 to 7, were the contesting candidates at this election. Out of them, respondent No. 1, who was the successful candidate, was an independent candidate supported by Congress led by Shri Jagjivan Ram [hereinafter referred to as Congress (R)]. The second respondent was the candidate sponsored by the Congress led by Shri Nijalingappa [hereinafter referred to as Congress (O)]. As the time of allocation of symbols, a reserved symbol of Congress (R), namely 'Calf and Cow' was allocated to the first respondent and the reserved election symbol of 'Woman at the spinning wheel' was allocated to the second respondent. It is the contention of the petitioner that the allocation of the symbol of calf and cow as one of the reserved symbols was not properly done by the Election Commissioner. Though several contentions have been taken up in the petition and though appropriate denial are to be found in the written statement of the first respondent, at the time of the final hearing of the petition, the only point, which was canvassed before me is that of corrupt practices mentioned in sub-section (3) of section 123 of the Representation of the People Act, 1951. (which is referred to as 'the Act', inasmuch as by ...); the symbol of calf and cow the first respondent ... used to ... used a religious symbol for the furtherance of the prospects of his election and thereby committed a corrupt practice. The final arguments and the evidence have been restricted to this plea only, and it is not necessary for me to set out in elaborate detail the other contentions and also refer to the issues in connection with those other contentions.

Under section 123 of the Act, the definitions of corrupt practices for the purpose of the Act have been set out in different sub-sections, and sub-section (3) provides that the use of a religious symbol for the furtherance of the prospects of the election of a candidate is one of the corrupt practices defined by section 123 under section 100 subject to the provisions of sub-section (2) of that section if the High Court is of the opinion that any corrupt practice is committed by a returned candidate or his election agent or by any other person with the consent of a returned candidate or his election agent, it will be obligatory on the High Court to declare the election of the returned candidate to be void. Under this sub-section, (a) if in the opinion of the High Court a returned candidate has been guilty by an agent other than his election agent, of any corrupt

practice but (b) the High Court is satisfied that no such corrupt practice was committed at the election by the candidate or his election agent and every such corrupt practice was committed contrary to the orders and without the consent of the candidate or his election agent; (c) that the candidate and his election agent took all reasonable means for preventing the commission of corrupt practices at the election; and (d) that in all other respects election was free from any corrupt practice on the part of the candidate or any of his agents, then the High Court may decide that the election of the returned candidate is not void. The provisions of sub-section (2) of section 100 of the Act have not been invoked in the present case, and the contention is that because of the corrupt practice, namely the use of the religious symbol for the furtherance of the prospects of his election committed by the first respondent and by his agents and other persons with the consent of the first respondent, the High Court must set aside the election of the first respondent and declare the election of the first respondent to the Lok Sabha in this particular constituency to be void.

I may mention at this stage that out of the issues framed in this petition, issues Nos. 1 and 2 were raised on behalf of the first respondent regarding the maintainability of this petition in view of some of the provisions of the Act and in view of the decided cases on the point. Issues Nos. 1 and 2 were, therefore, heard as preliminary issues and by my judgment dated August 20, 1971 (Annexure), I answered issue No. 2 in the negative and held that the petition was maintainable. So far as issue No. 1 was concerned, it was not necessary for me to decide that issue and the only issue which was to be decided was issue No. 2. Against my decision on that preliminary issue holding that the petition was not liable to be dismissed because of the non-joinder of Vasudev Tripathi, the first respondent filed a Letters Patent Appeal. During the pendency of that Letters patent Appeal under clause 15 of the Letters patent, the hearing of the present petition was adjourned, and by its judgment dated November 10, 1971, the Division Bench consisting of Bhagwati C.J. and T.U. Mehta, J., dismissed the Letters patent Appeal. In order to enable the first respondent to prefer an appeal to the Supreme Court, the Division Bench granted time and thereafter this petition was taken up for hearing. The first respondent does not appear to have filed any appeal to the Supreme Court against the decision of the Division Bench, and on the expiry of the period of stay granted by the Division Bench at the time of deciding the Letters Patent Appeal, I took up the Election petition for final hearing.

In order to appreciate the evidence and the rival contentions I must point out that in order to come to the conclusion that the corrupt practices alleged to have been committed by the first respondent has been committed, the Court must come to the following conclusions:—

- (1) that there was the use of a symbol by the first respondent;
- (2) that the symbol used by the first respondent was a religious symbol; and
- (3) that such use was made by the first respondent for the furtherance of his prospects at the election. Unless all these ingredients are found against the first respondent and in favour of the petitioner, namely that there was the use of this particular symbol of calf and cow by the first respondent further that the symbol of calf and cow is a religious symbol; and thirdly that this symbol of calf and cow was used by the first respondent for furtherance of the prospects of his election, it is not possible for me to hold that the particular corrupt practice alleged by the petitioner as against the first respondent was committed.

Before going to the merits and discussion of the decisions on the point, I must point out that under section 8A of the Act, a person found guilty of a corrupt practice, by an order made under sec. 99, shall be disqualified for a period of six years from the date on which that order takes effect. Under section 11 of the Act, the Election Commission has been empowered, for reasons to be recorded to remove any disqualification for corrupt practice under section 8A of the Act or reduce the period of any such disqualification. Section 98 of the Act lays down that at the conclusion of the trial of an election, the High Court shall make an order dismissing the election petition; or declare the election of all or any of the returned candidates to be void; or declaring the election of all or any of the returned candidates to be void and the petitioner or any other candidate to have been duly elected. It may be pointed out that prayer (B) in para 25 of the petition is for a declaration that respondent No. 2 should be declared to have been duly elected from this Constituency at this election. Thus, the prayers in this petition have been asked for in the light of the provisions of section 98(c) of the Act. Under section 99 of the Act, at the time of making an order under section 98, the High Court shall also make an order in the case of any charge made in the petition of any corrupt practice having been committed at the election; recording a finding whether any corrupt practice has or has not been proved to have been committed at the election and the nature of that corrupt practice; and the names of all persons, if any, who have been proved guilty of any corrupt practice and the nature of that practice. This naming of the persons who are found to have been guilty of any corrupt practice results in the disqualification under section 8A of the Act. It is, therefore, in the light of these provisions of the Act, that I have to consider the question of the particular corrupt practice that the first respondent is alleged to have committed for the furtherance of the prospects of his election.

Mr. Mehta, for the first respondent, urged two contentions on the interpretation of sec. 123(3) of the Act. His first contention was that since a corrupt practice is likely to lead to serious consequences entailing disqualification of the persons found guilty of the Commission of a corrupt practice, the doctrine of *Mens rea* should be applied, and unless the person alleged to have committed a corrupt practice, intentionally and willingly does so, he should not be found guilty of the Commission of this corrupt practice. His second contention was that in the light of the facts of this case, the use of an election symbol reserved for a particular political party by the election commission is not a voluntary act of the political party and all candidates sponsored by the political party or supported by that Party are obliged to use that particular reserved symbol. He, therefore, contended that in no circumstances the use of such a symbol amounts to a corrupt practice, even if the symbol in question is held to be a religious symbol.

Taking up the first contention regarding *mens rea*, it is clear that the Legislature has provided that all voters should cast their votes freely and without any pressure being brought directly or indirectly upon them to vote for a particular candidate because of extraneous sentiments. Under sub-section (1) of section 123 of the Act, "Bribery" has been defined; under sub-section (2), "under influence" has been defined; and under sub-section (3) of the said section different types of other corrupt practices are set out. The whole object of the Legislature in defining these different corrupt practices is to see that at the time when the vote is cast by the voter he shall not be swayed by canvassing, officers of gift, or by threats of divine pressure or by threats of being an object of spiritual or divine displeasure or by appeal on the ground of the religion, race, caste, community or language of the candidate in question. I am not dealing with all the different types of corrupt practices which are defined

in section 123, but I am mentioning of those corrupt practices merely with a view to point out that the object of the Legislature is to ensure free election at which the voter can cast his vote for a political reasons and other things from whatever source are excluded from the mind of the voter. Therefore, if it is found that there has been an appeal to a national symbol or there has been an appeal in the name of religion, or race, caste or community or language, the fact of such appeal etc., would itself be sufficient to constitute a corrupt practice. In my opinion the Legislature has laid down in broad language an ingredient of *mens rea* as specifically mentioned in section 123, and in particular *mens rea* as an essential ingredient of the different forms or of corrupt practices. In view of the legal object sought to be achieved by the Legislature, namely free election, the Commission of corrupt practice should be considered as creating an absolute liability that is, irrespective of mental state. In these circumstances, this particular contention of Mr. Mehta must fail so far as the interpretation of section 123(3) of the Act, is concerned.

In order to appreciate the other contention regarding the interpretation of section 123(3) it is necessary to refer to some of the statutory orders in connection with the allotment of symbols. Rule making power has been conferred upon the Government by section 159 of the Act after consulting the election Commission to make rules by notification in the Official Gazette for carrying out the purposes of the Act. Under sub-section (2) of section 169, in particular and without prejudice to the generality of the foregoing power, the rules made by the Central Government may provide, *inter alia* for the manner in which votes are to be given both generally and in the case of illiterate voter or voters under physical or other disability. The Central Government made rules called "The Conduct of Election Rules, 1961", acting under the powers. Under rule 5, a provision is made for symbols for election in parliamentary and assembly constituencies. Sub-rule (1) of rule 5 provides that the Election Commission shall, by notification in the Gazette of India and in the Official Gazette of each State, specify the symbols that may be chosen by candidates at elections in parliamentary or assembly constituencies and the restrictions to which their choice shall be subject. Sub-rule (3) of Rule 5 provides that where at any such election, more nomination papers than one are delivered by or on behalf of a candidate, the declaration as to symbols made in the nomination paper first delivered, and no other declaration as to symbols shall be taken into consideration under rule 10 even if that nomination paper has been rejected. Under rule 10(4), at an election in a parliamentary or assembly constituency, where a poll becomes necessary, the returning officer shall consider the choice of symbols expressed by the contesting candidates in their nomination papers and shall, subject to any general or special direction issued in this behalf by the Election Commission (a) allotted different symbol to each contesting candidate in conformity, as far as practicable, with his choice; and (b) if more contesting candidates than one have indicated their preference for the same symbol, decide by lot to which of such candidates the symbol will be allotted. Rule 39 lays down in the area the voting procedure, and under clause (b) of sub-rule (2) of rule 39, the elector in order to cast his vote, has to make a mark on the ballot paper with the instrument supplied for the purpose on or near the symbol of the candidate for whom he intends to vote. The Election Commission has made an Order, called "The Election Symbols (Reservation and Allotment) Order, 1968". This Order has been made in exercise of the powers conferred by Article 324 of the Constitution of the Constitution read with Rule 5 and Rule 10 or the Conduct of Elections Rules, 1961. Under clause 4 of this Order, in every contested election a symbol shall be allotted to a contesting candidate in accordance with the provisions of this Order and different symbols shall be allotted to different contesting candidate at an election in the same constituency.

Under clause 5, it has been provided that for the purpose of this Order symbols are either reserved or free. Sub-clause (2) provides that save as otherwise provided in this Order, a reserved symbol is a symbol which is reserved for a recognised political party for exclusive allotment to contesting candidates set up by that party and under sub-clause (3) of cl. 5 a free symbol is a symbol other than a reserved symbol. Clause 6 provides for classification of political parties and lays down the conditions for such recognition; and clause 7 provides for recognition of a political party as national party, that is, a recognised political party, in four or more states and if it is a recognised party in less than four states, it is to be known as a State party in the State or States Government. Under C. 8, a candidate set up by a national party at any election in any constituency in India shall choose, and shall be allotted, a symbol, reserved for that party and no other symbol. Similarly, under sub-clause (2) of clause 8, a candidate set up by a State party at an election in any constituency in a State in which such party is a State party, shall choose, and shall be allotted the symbol reserved for that party in that State and no other symbol. Under sub-clause (3) of clause 8, a reserved symbol shall not be chosen by, or allotted to, any candidate in any constituency other than a candidate set up by a national party for whom such symbol has been reserved or a candidate set up by a State party for whom such symbol has been reserved in the State in which it is a State party even if no candidate has been set up by such national or State party in that constituency.

In view of these different provisions of the Conduct of Elections Rules, 1961 and of the Election Symbols (Reservation and Allotment) Order, 1968, Mr. Mehta contended that it is not open to a candidate set up by a national political party to opt for any particular symbol and he is obliged to adopt that particular election symbol of his party as his own symbol. He, therefore, contended that because of such an obligation cast upon him, the use of such an election symbol in connection with one's election should, in no circumstances, be held to amount to a corrupt practice of the use of religious symbol for furtherance of election prospects of the candidate concerned. There is considerable force in this contention of Mr. Mehta. At first glance, it appears unreasonable that a candidate should be penalised for the use of a particular symbol in the choice of which he has no say and if ultimately it is held by the High Court on an election petition that the particular symbol allotted to him was a religious symbol, such candidate has to pay the penalty by having his election declared void. To my mind, there are two grounds on which this contention of Mr. Mehta must be rejected. In the first place, the Election Commission would not ordinarily select an election symbol for a particular party or for a particular candidate either as a reserved symbol or as a free symbol, which is capable of being held as a religious symbol. Ordinarily, therefore, the Election Commission would only allot a symbol as would not offend against the provisions of the Act. But if by chance it does allocate a particular symbol as election symbol and if that symbol is held to be a religious symbol or a national symbol, the election of the candidate not to be supported by a political party or not to be set up in a particular political party if he finds that the election symbol reserved for the political party is a religious or a national symbol.

In this connection, it would be worth while to consider the reasons which have led to the adoption of the symbol of election symbols under our election Law. In *Sadiq Ali and Another v. the Election Commission of India and others* (Civil Appeal No. 70 of 1971) decided by the Supreme Court on November, 11, 1971, the Supreme Court considered *inter alia*, as to why symbols were introduced in the ballot papers. The Supreme Court observed in that case:

"It is well known that overwhelming majority of the electors are illiterate. It was realised that

in view of the handicap of illiteracy, it might not be possible for the illiterate voters to cast their votes in favour of the candidate of their choice unless there was some pictorial representation on the ballot paper itself whereby such voters might identify the candidate of their choice. Symbols were accordingly brought into use. Symbols or emblems are not a peculiar feature of the election law of India. In some countries, details in the form of letters of alphabet or numbers added against the name of each candidate while in others resort is made to symbols or emblems. The object is to ensure that the process of election is a genuine and fair as possible and that no elector should suffer from any handicap, in casting his vote in favour of a candidate of his choice."

Since election symbols are meant to enable the illiterate voters to identify on the ballot paper the candidate of their choice and to enable them to vote for that particular candidate of their choice, it is all the more desirable that the voters of such illiterate voters should not be cast by any appeal to extraneous considerations like appeals in the name of religion or appeal to religious sentiments or national sentiments by using a religious symbol or a national symbol as the election symbol of any particular candidate. As I observed above, it is extremely unlikely that any symbol which is likely to be held as a religious symbol or a national symbol will be permitted to be used as an election symbol or will be allotted as an election symbol by the Election Commission. But if such an extremely unlikely event does happen, and a religious symbol or a national symbol is allotted to a political party or to a candidate as election symbol, it can not be said that the election of the particular candidate who uses such election symbol is either fair or free, and under these circumstances, keeping in view the main object of election law of India to ensure free and fair election, it is considerable that section 123(3) of the Act should be so interpreted that if the election symbol allotted to a particular candidate turns out, in the opinion of the High Court, to be a religious symbol or a national symbol the use of such an election symbol for the furtherance of the election prospects of the candidate must necessarily be held to be a corrupt practice.

It is open to a candidate to point out to the Election Commission that the particular symbol allotted to his party or to himself is likely to be held to be a religious symbol or a national symbol and the use of that election symbol for the furtherance of the prospects of his election is likely to be held a corrupt practice and hence that particular election symbol should not be allotted to his political party or to himself. But if with his eyes open a candidate makes use of a particular election symbol, which is ultimately held by the High Court to be a religious symbol, the election of a returned candidate, who has made use of such symbol must be declared to be void, because he cannot be allowed to reap the benefits of something which is contrary to the very basis of the election law, ensuing of free and fair election. In these circumstances, I reject the second contention of Mr. Mehta as regards the interpretation of section 123(3) of the Act.

Turning now to the ingredients of section 123(3) of the Act, it is clear from the material on the record in this case that the first respondent was a candidate supported by Congress (R). In his nomination paper, which is part of Ex 'G' collectively, the first respondent himself indicated that he was being supported by the Congress (R) and that he had selected the symbol of calf and cow. It is also clear from the return of election expenses filed by the petitioner, which is marked as an Exhibit in this case, on January 4, 1971, the petitioner had paid an amount of Rs. 500 to the local organisers of Congress (R) as deposit, and the relevant receipt for the said amount of Rs. 500 is also exhibited

in this case. Ex. 'C' is a poster showing the photograph of the first respondent and the election symbol of calf and cow, and Ex. 'D' shows that at the instance of Congress (R) 3500 copies of this poster were printed. A handbill setting out the election manifesto of the first respondent is also on the record in this case and the handbill also displays the election symbol of calf and cow. It is in evidence of witnesses examined in the case on behalf of the petitioner and not seriously challenged by the first respondent's counsel in cross-examination, that these handbills were distributed as part of the election propaganda of the first respondent, and thus the symbol of calf and cow was used by the first respondent for the furtherance of his election prospects or put it slightly in a different way, in the language of the Supreme Court in *Sadiq Ali and Anr. v. Election Commission of India and Ors.* (supra), to enable the illiterate voters to identify the name of the first respondent on the ballot paper and to enable them to cast their votes for the first respondent. In view of all this evidence, it must follow that the first respondent used the symbol of calf and cow, and he made such use for furtherance of his election prospects. Thus, two of the three ingredients of the definition of this particular corrupt practice alleged to have been committed by the respondent No. 1 as mentioned in section 123(3) of the Act are clearly established, and the only remaining question now required to be considered is whether the symbol of calf and cow is a religious symbol.

In order to decide whether the symbol of calf and cow is a religious symbol, it is necessary to understand what is meant by a symbol; Secondly, what is meant by a religious symbol; and what is meant by religion in this context. Now it is necessary to emphasise at this stage that there is no allegation against the first respondent that either he or his election agent or any other person with his consent appealed to the voters in the name of religion. The corrupt practice of appeal in the name of religion falls under the category of "undue influence" set out in sub-section (2) of section 123 of the Act and is different from the use of a religious symbol for furtherance of the prospects of the election of a particular candidate. Therefore, in arriving at my conclusion on this point, I must clearly bear in mind the distinction between the use of religious symbol and appeal on the ground of religion. As to what constitutes a symbol, the Supreme Court has observed in *Jagdev Singh v. Pratap Singh*, A.I.R. 1965 S.C. 183; "A symbol stands for or represents something material or abstract". Again, in *Ramanlal v. Dabhi Ajitkumar*, A.I.R. 1965 S.C. 689 Mudholkar J. delivering the judgment of the Supreme Court, has adapted the following definition of the word "Symbol" from the Webster's New World Dictionary:—

"Something that stands for or represents another thing; especially an object used to represent something abstract: emblem; as, the dove is a symbol of peace, the cross is the symbol of Christianity."

In Election petition No. 24 of 1967 decided by me on October 23, 1967, the question before me was whether a pictorial representation of Mahatma Gandhi was a national symbol, and in that connection, after referring to the decision of *Ramanlal v. Dabhi Ajitkumar* (supra), and citing the above passage from the judgment of Madhulkar J, I observed:—

"Before the petitioner can succeed in his contention regarding the use of national symbol, he must first satisfy me that the pictorial representation of Mahatma Gandhi is a national symbol. It is not an emblem and it cannot be said to be an emblem in this context merely because by virtue of the provisions of Emblems Act that pictorial representation has been laid down to be an emblem for the purposes of that Act. Now, a symbol really speaking

must be something that stands for or represents another thing and a pictorial representation of Mahatma Gandhi himself. It is true that by long association of ideas and by acceptance by the nation as a whole, even a pictorial representation of somebody's figure may be capable of evoking national sentiments or national feelings. In the two Illustrations given by Webster's New World Dictionary, which definition has been accepted by the Supreme Court, the dove is a symbol of peace and the cross is the symbol of Christianity. The dove has so much been accepted as a symbol of peace that when one sees a picture of a dove, by association of ideas the concept of peace is brought into forefront of one's mind. Similarly, when one sees the picture of the cross, by association of ideas Christianity is evoked. Therefore, the correct test, in my opinion, of judging whether a particular object is a symbol for another object or not is to find out whether by common acceptance by a fairly large number of people there is such association of ideas between what is stated to be the symbol and the concept or the idea or the object of which it is the symbol that by looking at the symbolic object the whole idea or the whole concept is evoked in the mind of the viewer."

I see no reason to differ from that conclusion of mine regarding the test for determining whether a particular pictorial representation amounts to a symbol or not. In the light of the fact that, there is no subsequent decision of the Supreme Court laying down a different test, and applying that test in the instant case, what I have to decide is whether the pictorial representation of calf and cow by common acceptance by a fairly large number of people evokes religious ideas or religious sentiments in the mind of the viewer. It is contended that the pictorial representation of calf and cow is a religious symbol, and as opinion out by Shah J. in *Jagdev Singh v. Pratap Singh* (supra), at p. 187. "In order to be a religious symbol, there must be a visible representation of a thing or concept which is religious". Therefore, the question that I have to ask myself is whether the calf and cow is a visible representation of a thing or concept which is religious.

In order to find out what is a religious object or concept, no better guide can be found than the observations of Mukherjee J. in *Ratilal Panachand Ghandhi v. State of Bombay and others*, 1954 S.C.R. 1055. The Supreme Court in that case was considering the provisions of some of the sections of the Bombay public Trust Act in the light of the challenge made to those provisions on the footing that those sections violated the fundamental rights guaranteed by the Constitution under Articles 25 and 26. It is well known that Article 25 gives guarantee of freedom of conscience and the right to free profession, practice and propagation of religion; and Article 26 guarantees the right to establish and manage institutions for religious and charitable purposes and to manage its own affairs in matters of religion. The question before the Supreme Court was where the line was to be drawn between what are matters of religion and what are not. Mukherjee J. in this connection, therefore, observed at p. 1064:

"Our Constitution-makers have made no attempt to define what religion is and it is certainly not possible to frame an exhaustive definition of the word 'religion' which would be applicable to all classes of persons."

As has been indicated in the Madras case referred to above, the definition of 'religion' given by Field J. in the American case of *Davis v. Besson* (133 U.S. 393), does not seem to us adequate or precise: "The term 'religion' thus observed the learned Judge in the case mentioned above, "has reference to one's views of his

relations to his Creator and to the obligations they imposed of reverence for His Being and character and of obedience to His Will. It is often confounded with cultus or form of worship of a particular sect, but is distinguishable from the latter". It may be noted that 'religion' is not necessarily theistic and in fact there are well known religions in India like Buddhism and Jainism which do not believe in the existence of God or of any Intelligent First Cause. A religion undoubtedly has its basis in a system of beliefs and doctrines which are regarded by those who profess their religion to be conducive to their spiritual well being, but it would not be correct to say, as seems to have been suggested by one of the learned Judges of the High Court, that matters of religion are nothing but matters of religious faith and religious belief. A religion is not merely an opinion, doctrine or belief. It has its outward expression in acts as well. We may quote in this connection the observations of Latham C.J. of the High Court of Australia in the case of *Adelaide Company v. The Commonwealth* (67 C.L.R. 116; 124), where the extent of protection given to religious freedom by section 116 of the Australian Constitution came up for consideration.

"It is sometimes suggested in discussions on the subject of freedom of religion that though the civil Government should not interfere with religious opinions. It nevertheless may deal as it pleases with any acts which are done in pursuance of religious belief without infringing the principle of freedom of religion. It appears to me to be difficult to maintain this distinction as relevant to the interpretation of section 116. The section refers in express terms to the exercise of religion and therefore it is intended to protect from the operation of any Commonwealth laws acts which are done in the exercise of religion. Thus the section goes far beyond protecting liberty of opinion. It protects also acts done in pursuance of religious belief as part of religion".

In our opinion, as we have already said in the Madras case, these observations apply fully to the provision regarding religious freedom that is embodied in our Constitution

Religious practices or performances of acts in pursuance of religious belief are as much a part of religion as faith or belief in particular doctrines. Thus if the tenets of the Jain or the Parsi religion lay down that certain rites and ceremonies are to be performed at certain times and in a particular manner, it cannot be said that these are secular activities partaking of commercial or economic character simply because they involve expenditure of money or employment of priests or the use of marketable commodities. No outside authority has any right to say that these are not essential parts of religion and it is not open to the secular authority of the State to restrict or prohibit them in any manner they like under the guise of administering the trust estate. Of course, the scale of expenses to be incurred in connection with these religious observances may be and is a matter of administration of property belonging to religious institutions; and if the expenses on these heads are likely to deplete the endowed properties or affect the stability of the institution, proper control can certainly be exercised by State agencies as the law provides. We may refer in this connection to the observations of Davar J. in the case of *Jamshedji v. Soonabai* (33 Bom. 122), and although they were made in a case where the question was whether the bequest of property by a Parsi testator for the purpose of perpetual celebration of ceremonies like Muktad baj, Vyezashni, etc. which are sanctioned by the Zoroastrian religion were valid charitable gifts, the observations, we think, are quite appropriate for our present purpose. "If this is the belief of the community" thus observed the learned Judge, "it is proved undoubtedly to be the belief of the Zoroastrian community, a secular Judge is bound to accept that belief—it is not for him to sit in judgment

on that belief, he has no right to interfere with the conscience of a donor who makes a gift in favour of what he believes to be the advancement of his religion and the welfare of his community or mankind". These observations do, in our opinion, afford an indication of the measure of protection that is given by Article 25(b) of our Constitution.

The distinction between matters of religion and those of secular administration of religious properties may, at times, appear to be a thin one. But in cases of doubt, as Chief Justice Latham pointed out in the case (*vide Adelaide Company v. the Commonwealth* 67 C.L.R. 116, 129) referred to above, the Court should take a common sense view and be actuated by considerations of practical necessity."

I have cited this passage in extenso, because it clearly indicates that so far as conditions in India are concerned, religion has no mere reference to one's views of his relations to his Creator and to the obligations they imposed of reverence for His Being and character and of obedience to His will. According to this decision of the Supreme Court, a religion undoubtedly has its basis in a system of beliefs and doctrines which are regarded by those who profess that religion to be conducive to their spiritual well being. Put a religion is not merely an opinion, doctrine or belief. It has its outward expression in acts as well. In view of the approval which the Supreme Court gave to the view of Davar J. in the case of *Jamshedji v. Soonabai*, I must proceed on the footing that it is not for me to sit in judgment as secular judge on the belief of an individual or a group of people. I have no right to interfere with the conscience of those who believe or practise what they believe to be a part of their religion. To my mind, the word "religion" defined in the Encyclopaedia of Britannic, (1970 Edition) Vol. 19 at page 108 succinctly reproduces the effect of the two Supreme Court decisions cited above. It begins at follows:

"Religion, man's relation to that which he regards as holy. The "holy" need not be thought of supernatural, much less as personal; and if the word "God" did find in personal or supernatural terms, it follows that religion includes far more than the relation to God or god. Similarly, the term 'religion' to the holy may be conceived of in a variety of forms. Worship (q.v.), is probably the most basic of these but moral conduct, right belief and participation in religious institutions are generally also constituent elements of the religious life as practised by believers and worshippers and as commanded by religious sages and scriptures"

Thus, when one considers whether the pictorial representation of calf and cow evokes religious feelings it is in this light of what the religion is and what religious sentiments are that one has to consider the question of pictorial representation constituting or not constituting a religious symbol. In order to establish that cow is venerated by Hindus and is considered divine in her own right, Mr. Daru for the petitioner has relied upon certain observations of the Supreme Court, in different decisions of that Court, on Text Books and reference of Hindu religion, and on the evidence of Keshavram Kashiram Shastri, who is a Scholar of Hindu Scriptures, Upanishads, Vedas and Puranas. Taking oral evidence of Keshavram Kashiram Shastri, according to this witness, he has written and not published 114 books. His books pertain to religion, the tenets of Pushti Margi sect, Mahabharat and also on topics dealing with literature, etc. The witness has been working as professor in the Bholabhai Jesingbhai Institute of Leating and Research. He is also working as professor of Sanskrit and Gujarati at Balbhai Demodardas College for Ladies. He is also invited to work as professor at the Gujarat University Institute for study of Gujarati language. According to him he

had opportunity of studying Hindu Scriptures and other religious books of the Hindu in the course of his work. According to the witness, there are many verses in the Rigveda and the Atharveda describing cow a holy being. In the Manu Smrati there are references to the cow and Brahmin and cow are both put on the same level. In the Bhagwat, which is one of the Puranas, there are references to the cow and at the time of killing of Putana, certain ceremonies are narrated to have been performed through the mediation of a cow. In Agni-Purana and Padma Purana there are references showing reverence for the cow. In Anusthashan Parva of Mahabharat there are references to cow and deep reverence is shown towards the cow in Mahabharat. In the course of his evidence, the witness stated that several scholars have interpreted the verses in connection with preparation of food in Royal Kitchens of King Rantidev as indicating that a large number of cow were being slaughtered for preparation of food in those kitchens for entertainment of important guests. To my mind, all this controversy as to what happened in these past is totally immaterial. What I have to consider is whether the cow is worshipped by a large number of people today and is venerated or not. It is true that there are references in the Puranas, in Mahabharat and Bhagwat, which would indicate that a cow is a divine being in her own right. Some of the verses in the Vedas undoubtedly have been interpreted by various scholars to indicate that beef eating was permitted in the Vedic times of Hindus. But the correct test is what are the religious practices or what are the beliefs of the Hindus as they exist today. The question is of historical or academical interest. To my mind, one can correctly say about the attitude of Hinduism towards the cow. In Encyclopaedia Britannica, 1970 Edition, Vol. 11 at p. 507, the Article of Hinduism begins, and at p. 510, the Encyclopaedia deals with other 'divinities' as follows:

"As well as the three great gods (Shiva, Vishnu and Shakti) there are many others who have considerable importance and who are worshipped on special occasions. Of these the best known is probably Ganesh, the elephant headed son of Shiva and Parvati, petitioned for success before all enterprises. Many animals, plants and natural objects are sacred in varying degrees, the most noteworthy being the cow. The bull is specially sacred because of his connection with the god Shiva, but the cow is divine in her own right and is generally revered as the representative of Mother Earth. Thus all cattle are inviolate and even among those castes where vegetarianism is not the rule, beef is never eaten".

Encyclopaedia of Religion and Ethics, edited by James Hastings, in vol. 4, at p. 224, says that the belief in the sanctity of cow, which is unshaken, seems to have been inherited since pre-historic time before Hindus and Iranians has separated. After giving various references to the scriptures, Puranas and Vedas the article says "reverence to the cow has not diminished in modern times. It is well known that the Hindus of the present days are filled with horror at the slaughter of the cow, which is, therefore, prohibited in native States under treaties with the English". It may be pointed out that in Narbada Prasad v. Chhaamal, A.T.R. 1969 S.C. 395. The Supreme Court was dealing with an Election petition, where it was alleged that an appeal was alleged to have been made to the voters not to vote for the Congress because it was stated that if people were to vote for Congress they would be committing the sin of gohatva. In para 13 at p. 400, the Chief Justice has observed:

"The question is whether in stating that if they voted for the congress or a congress candidate, they would be committing the sin of gohatva, amounted to an attempt to induce the voters to believe that they would become or would be rendered an object or divine displeasure or

spiritual censure. In our opinion, a statement of this kind fails with in this provision or the section. It is not necessary to enlarge upon the fact that cow is venerated in our country by the vast majority of the people and that they believe not only in its utility but its holiness. It is also believed that one of the cardinal sins is that of gohatya'.

According to two decisions of the Supreme Court, the vast majority of the people in India look upon the cow as holy and the cow is venerated by them not only because of its utility but because of its holiness. A portion of this passage from the judgement of Hidayatullah, C.J. was cited in the subsequent decision in *Manubhai v. Popatil*, A.I.R. 1969. S.C. 734. A passage from Encyclopaedia of Religion and Ethics was also cited and stated:

"A well known verse (Mahabharat, xlii 74.4) says:
All that kill, eat and permit the slaughter of cows, rot in hell for as many years as there are hairs on the body of the cow so slain".

And citing the Modern Gujarati—English Dictionary, Vol. 1, p. 480, regarding the meaning of Gohatya, it was stated "slaughter of cow; killing cow, being one of the five great sins according to Hindu scriptures which can be stoned for only with capital punishment".

Thus, according to Encyclopaedia of Religion and Ethics and according to these two decisions of the Supreme Court cow is venerated in India and is worshipped for her holiness, one of the religious practices is to consider killing of cow as a major sin which can only be stoned for with capital punishment according to Hindu scriptures.

Mr. Daru relied upon the evidence of Keshavram Shastri for the purpose of pointing out how holy the cow is considered by the Hindus. It is not in dispute before me that a very large proportion of voters in Ahmedabad are Hindus and amongst the Hindus, according to all the authorities weighty opinion, cow is divine in her own right and is a representative of Mother Earth. It is not necessary for me in the light of these considerations, particularly the two decisions of the Supreme Court, the different citations from Mahabharat, Atharve Veda, Vishnu Puran, Manu Smruti, Dharma Puran and Agni Puran. It is true that besides the cow, other animals like elephant and horse are sometimes worshipped. Even a cobra is worshipped. But as has been rightly emphasised before me, the different citations go to indicate that the reverence for the cow rests on a different footing altogether and the cow is considered not merely above all gods but she is worshipped as divine in her own right.

Even if a cow is considered to be holy by a section of Hindus and even if they consider the cow to be divine in her own right, can it be said that a pictorial representation of calf and cow is religious symbol? To apply the test which I laid down in Election petition No. 24 of 1971 (Supra), the pictorial representation of calf and cow is not capable of evoking the religious feelings and religious sentiments. In *Jagdev Singh v. Pratap Singh* (supra), the Supreme Court was concerned with whether the use of 'om' on a flag amounted to the use of a religious symbol. After examining different sections of the Representation of the People Act, Shah J. delivering the judgment of the Supreme Court, observed:

"But it is difficult to regard 'om' which is preliminary to an incantation or to religious books as having religious significance. 'Om' it may be admitted is regarded as having high spiritual or mystical efficacy: It is used at the commencement of the recitation of religious prayers. But the attribute of spiritual significance will not necessarily impart to its use on a flag the character of a religious symbol

in the context in which the expression religious symbol occurs in the section with which we are concerned. A symbol stands for or represents something material or abstract in order to be a religious symbol. There must be a visible representation of a thing or concept which is religious. To 'om' high spiritual or mystical efficacy is undoubtedly ascribed; But its use on a flag does not symbolise religion, or anything religious."

In *Ramanbhai v. Dabhai Ajitkumar* (supra); the question before the Supreme Court was whether the referring to the sta, which was a symbol of Swatantra Party as the 'Dhruv Tara' amounted to the use of a religious symbol, and the Supreme Court held that it did not amount to the use of religious symbol. At p. 574, delivering the Judgment of the Supreme Court, Mudholkar J., observed:

"The Star, standing by itself, was a symbol of the Swatantra party. Would it become then a religious symbol unless, like the cross, it is regarded as a symbol of Hindu religion when it is associated with Dhruv? It is impossible to say that any particular object, bird, or animal could be regarded as a "Symbol" of Hindu religion". The basic concept of Hindu religion is that the Supreme Being is in every "Inanimate" object, plant, creature or person, i.e. in the entire creation and that entire creation is within the Supreme Being. It, therefore, according to the fundamental concept of Hindu religion, God or Divinity is the reality or the substance of everything that exists, it would not be possible to say that any particular object is a symbol of Hindu religion. It is true that various duties in the Hindu pantheon are associated with some specific objects, birds or animals. Thus, for example, Shiva is associated with a trident and a coiled cobra round his neck; Vishnu is associated with the cobra 'Shesha' on which he reclines as upon a bed; the eagle is associated with Vishnu as his vehicle; the goddess Lakshmi is associated with lotus upon which she stands and so on and so forth. Does it mean then that if a person uses a lotus or a cobra or a trident as his election symbol he will be appealing to the religious sentiments of the people? The answer must be clearly in the negative."

In the light of some decisions, in para 12 at p. 675. Mudholkar J. observed:

"Similarly if they are told that they should cast their vote for a particular candidate whose election symbol is associated with a particular religion just as the cross is with Christianity, that will be using a religious symbol for containing votes. But, where, as in the case of Hindu religion, it is not possible to associate a particular symbol with religion the use of symbol even when it is associated with some deity, cannot, without something more, be regarded as a corrupt practice within the meaning of sub-s. (3) of S. 123 of the Act. For instance, for a particular object or a plant, bird or an animal associated with a deity is used in such a way as to show that votes are being solicited in the name of that deity or as would indicate that the displeasure of that deity would be incurred if a voter does not react favourably to the appeal if may be possible to say that this amounts to making an appeal in the name of religion. But the symbol standing by itself cannot be regarded as an appeal in the name of religion."

In the course of his judgment, Mudholkar J. cited the following passage from the decision of Subba Rao J. in *Shubnath v. Ram Narain*, A.I.R. 1960 S.C. 148:-

"A distinction must, therefore, be drawn between canvassing on grounds of religion and seeking

of votes in graphic or picturesque language with analogies from religious lore; to illustrate, a candidate may appeal to the electorate consisting of persons professing different religions, say Hindu, Mahomedans, Christians etc. to vote for him and say that he would sacrifice his life in the cause of his constituency just like Christ sacrifices his life to redeem the world. He may also say that like Rama, the virtuous, who killed Ravan, the Rakshasa, the embodiment of evil, he would, if elected, put down corruption, nepotism and the like in Government. He may even say that he would sacrifice himself as a goat before Kali to bring happiness and prosperity to his constituency. All these similes are drawn from religion, but they do not embody an appeal, directly or indirectly, to vote for the candidate on grounds of religion."

In view of these two decisions and particularly in view of the observations of Mudholkar J. in *Ramnal v. Dabhi Ajitkumar* (supra). Mr. Mehta for the first respondent contended that a pictorial representation of a cow can never be a religious symbol. He has emphasised that according to Mudholkar J. looking to the basic concept of Hindu religion no particular object can be a symbol of Hindu religion and in the case of Hindu religion it is not possible to associate a particular symbol with that religion.

If the matter was not covered by the decision of the Supreme Court in *Ramanbhai v. Dabhi Ajitkumar* (supra) it would have been open to me to consider the question whether there can be any symbol of Hindu religion or so far as Hindu are concerned any pictorial representation can be a religious symbol. If to use the language of Shah J. in *Jagdev Singh v. Pratap Singh* (supra) there is a visible representation of a thing or concept which is religious it would be a religious symbol. But the question is whether a mere pictorial representation of calf and cow is a visible representation of a concept which is religious. It is no doubt true that to ordinary Hindus, cow is a holy animal and she is above all gods and is divine in her own right. The Supreme Court considered that the cow has high spiritual significance to Hindus, but a pictorial representation of a cow can not be considered to be a religious symbol. Similarly, though to a cow a high spiritual and mystical and spiritual significance is attached, a pictorial representation of a calf and cow does not symbolise the religion. To apply the test, which I laid down in Election petition No. 24 of 1967, it is not possible to say that by common acceptance of a large number of Hindus there is such an association of ideas between a pictorial representation of calf and cow and a religious concept that by looking at the picture of calf and cow that religious concept is evoked in the mind of the viewer. Though the cow is referred as "Mother" and is considered holy, it is difficult to say that by looking at the pictorial representation of cow by herself or of a cow accompanied by a calf would evoke any religious idea, I am strengthened in this conclusion of mine by the well known fact, of which judicial notice can be taken that a large number of cows are grossly neglected by Hindus. It is of common experience to see cows strolling and searching for food in the waste thrown away mostly by Hindus in streets. It is also a common experience to see cows being ill-treated and suffering from mal-nutrition. This is a common experience, and if cows with their ribs and bones sticking out do not evoke any religious sentiments or do not evoke any protest on the ground of religion, it would be difficult to say that a mere pictorial representation of calf and cow would evoke any religious sentiments or would indicate that it is a religious symbol. Thus, apart from the observations of Mudholkar J in *Ramnal v. Dabhi Ajitkumar* (supra) to the effect that in Hindu religion there cannot be a religious symbol, even on applying the test evoked by another process of reasoning, the same conclusion would follow, namely

that the pictorial representation of calf and cow is not a religious symbol.

The same view has been taken by the Madhya Pradesh High Court in *Shital Prasad Mishra v. Nitiraj Singh Choudhary* (Election petition No. 2 of 1971), decided on December 2, 1971. One of the issues before the learned Judge in that Election petition, which arose out of the parliamentary elections from Hosnangabad parliamentary constituency No. 27 held in March, 1971 was whether the symbol of calf and cow was a religious symbol and whether the use of that election symbol amounted to a corrupt practice on the facts of the case before him. Issue No. (10)(a) was "Is calf and cow a religious symbol having a religious appeal to the voters?". After examining the materials before him and also in the light of the decisions of the Supreme Court and in particular in the light of the observations of Mudholkar J. the learned judge held that the pictorial representation of calf and cow which was an election symbol of the respondent was not a religious symbol. He observed:

"The election symbol of the respondent, as it stands, does not point out anything about its godliness or holiness and, that being absent, I am clear in my mind that the election symbol of calf and cow allotted to the respondent was not a religious symbol."

The reasoning given by me is slightly different from the reasoning pointed out by the learned Judge of the Madhya Pradesh High Court, but the conclusion arrived at by both of us is the same.

Mr. Mehta for the first respondent relied upon several other decisions in Election Petitions where a question of symbol was concerned and barring the particular case of the Madhya Pradesh High Court, which I have referred to above, none of those cases cited by Mr. Mehta turn upon the question of a cow or the pictorial representation of a cow being a religious symbol. He also pointed out that in Election petition No. 19 of 1967 decided by Vakil J. on February, 29, 1968, in this High Court, the learned judge took the view that a cow was not a religious symbol. It may be pointed out that in that particular Election Petition the question whether the pictorial representation of a cow was a religious symbol or not did not directly arise for consideration before Vakil J. But the question before him was whether a reference to cow in election speeches would amount to a corrupt practice. One of the contentions urged before him was that a cow was a religious symbol, and an attempt was made by the learned advocate on behalf of the petitioner in that case to urge that the cow was a religious symbol of the Hindu religion and reference to Cow's protection amounted to use or appeal of a religious symbol. Vakil J. observed:

"A faint attempt was made by Mr. Vakharia on behalf of the petitioner that cow is a religious symbol in Hindu religion and this statement amounts to use of or appeal to a religious symbol. The learned advocate has however not been able to substantiate this claim that cow is a religious symbol for the Hindus. Under the circumstances, I do not find it necessary to discuss the matter in detail."

In these circumstances, I have come to the conclusion that though there was the use of the symbol allotted to the first respondent, namely the symbol of calf and cow and though that symbol was used for furtherance of the prospects of the first respondent at the election, such use did not amount to a corrupt practice contemplated by section 123(3) of the Representation of the People Act, 1951, in as much as this symbol was not a religious symbol.

In view of this conclusion, I answer the issues as follows:

Issues Nos. 1 and 2—decided by my preliminary judgment. Issue No. 3—not pressed. Issue No. 4—not

pressed. Issue No. 5—in the negative. Issue No. 6—not pressed. Issue No. 7—in the affirmative. Issue No. 8—does not arise. Issue No. 9—does not arise.

In the light of this conclusion, no relief can be granted to the petitioner and the Election Petition must be dismissed. No ground has been established for declaring the election of the first respondent void. That being so, the question of declaring the second respondent to be elected does not arise.

As regards the question of costs, I find that not much time has been taken by the petitioner in leading evidence on the merits and a considerable time was taken by the first respondent at the time when the preliminary issues were heard. In these circumstances, the fair order for costs would be that each party should bear his own costs.

By the order of the Court,
(Sd.) M. M. SHASTRI,
Deputy Registrar (I)
Dated the 18th day of April, 1972.

ANNEXURE .

Mr. C. T. Daru with Mr. H. B. Shah for the petitioner.
Mr. R. K. Garg, with M/s Vimal Dave, Harbubhai Mehta, G. A. Pandit and J. G. Shah, for Respondent No. 1 Rest served.

CORAM DIVAN J.
20th August, 1971

ORAL JUDGMENT:

This judgment is as regards the trial of preliminary issue No. (2), viz., "Whether the petition is liable to be dismissed because of non-joinder of Vasudev Tripathy?" At the time when issues were settled on August 2, 1971, I had directed that issues Nos. (1) and (2) should be tried as preliminary issues, Issue No. (1) being "Whether the petition is bad for want of particulars?" but that issue is not pressed at the present moment and I am merely concerned with preliminary issue No. (2), which I have set out hereinabove.

The petitioner in this election petition is an elector and his name is borne on the electoral roll of Ahmedabad Parliamentary Constituency for the purpose of election to the Parliament which was held on March, 1971. At that election, respondent No. 1, who was subsequently declared to be the successful candidate was sponsored or was a candidate put up by Congress (J) whereas respondent No. 2 was a candidate sponsored by Congress (N). The poll took place on March 1, 1971 and the results of the election were declared on March 10, 1971. At that election respondent No. 1 was declared to be the successful candidate to the House of the People and thereafter on April 26, 1971, this petition was filed challenging the election of respondent No. 1 on several grounds. One of the grounds for challenging the election of respondent No. 1 was that the election symbol of calf and cow which had been allotted by the Election Commissioner to Congress (J), which was supporting the candidature of respondent No. 1 was a religious symbol and it has been alleged in para 13 of the petition that the election of respondent No. 1 is visited because he utilised the reserved symbol of cow feeding the calf (same as the election symbol of calf and cow), which is a religious symbol. By using the said symbol, respondent No. 1 has exercised undue influence and has interfered with the free exercise of electoral rights of the voters in the Ahmedabad Parliamentary Constituency. It was alleged that the first respondent had popularised and propagated his candidate through the said symbol of cow feeding the calf. According to the petitioner the first respondent exercised undue influence over the voters in the following ways:—

"(a) The respondent No. 1 and/or with his consent the New Congress and/or their agents inserted and published advertisements in newspapers, namely, Sandesh

and Gujarat Samachar requesting the electorate to vote for him under the symbol of cow feeding the calf. The advertisements appeared in the said daily newspapers on several dates between 1st February, 1971 and 25th February 1971."

Thus according to the contents of para 13(A), it has been alleged that undue influence was exercised by respondent No. 1 and/or the party which was supporting him and/or its agents as well as agents of respondent No. 1; and two distinct allegations emerge from the statements in para 13 read with sub-para (A) of that para. The first is the ground of undue influence and the second is the ground of use of religious symbol for furtherance of the prospects of the election of the candidate.

Under S. 123(2) of the Representation of the People Act, 1951 (hereinafter referred to as the Act), corrupt practice of undue influence has been defined and sub-sec. (3) deals with the corrupt practice, *inter alia*, of the use of religious symbol for furtherance of the prospects of the election of any candidate. In para 13 of the petition it has been distinctly stated that respondent No. 1 utilised the reserved symbol of cow feeding the calf, which is a religious symbol, and secondly, by using the said symbol, respondent No. 1 had exercised undue influence and had interfered with the free exercise of the electoral rights of the voters in Ahmedabad Parliamentary Constituency. In para 14 it has also been alleged that respondent No. 1 used the said symbol of cow feeding the calf for the purpose of furthering his election prospects at the election and for prejudicially affecting the election prospects of the rest of the candidates. After the petition was filed a list of documents in accordance with the Rules framed by this High Court was filed in this Court on May 1, 1971. As shown by the Roiness, the written statement of respondent No. 1 was filed on May 27, 1971. Thereafter certain directions were given on June 7, 1971 and it was directed on that day that particulars if any, were to be filed on or before June 14, 1971. No particulars appear to have been filed in Court in pursuance of this direction given on June 7, 1971; but on June 19, 1971, the learned Advocate for respondent No. 1 addressed a letter to the learned Advocate for the petitioner and the letter was in these terms:

"Without prejudice to the contentions raised in the written statement of respondent No. 1, I hereby beg to request you to furnish the following particulars:—

- (i) Names of agents of respondent No. 1 alleged to have inserted and published the advertisement and printed, published and distributed pamphlets, posters and cards referred to in paras 13(A, B and C), 14(A, B and C) and 15(A, B and C) of your petition."

In reply to this letter of June 19 the learned Advocate for the petitioner wrote a letter, dated July 1, 1971; and it is stated in this letter:—

"With regard to your letter dated 19th June, 1971 demanding further particulars in respect of paragraphs 13(A, B, C), 14 (A, B, C) and 15(A, B, C), I have to state that:

- (i) The names of the agents of respondent No. 1 who inserted and published advertisements are: The City District Congress (Shashak) Committee, its President Shri Vasudev Tripathi, Gujarat Pradesh Congress (Shashak) and All India Congress (Shashak) led by Shri Jagjivanram."

On the very next day i.e. on July 2, 1971 the learned Advocate for the petitioner addressed a letter to the learned Advocate for respondent No. 1 and stated:—

"I replied to your letter for further particulars on 1st July, 1971.

In paragraph (1) of the said letter the words 'Its President Shri Vasudev Tripathi' have been mentioned and supplied through mistake. Please treat the said words 'Its President Shri Vasudev Tripathi' as cancelled and the particulars supplied may be read as if the said words been deleted."

After these letters were exchanged, an amendment was carried out by respondent No. 1 in his written statement with the leave of the court and in the amended written statement para VA reads thus:

"VA. The respondent submits that the petition contains allegations of corrupt practice against one Shri Vasudev Tripathi. The respondent states that the petition contained certain allegations which needed further clarification. The respondent had in his written statement, as originally filed, made a grievance about want of particulars in the petition. When the matter came up for orders on 7th June, 1971 regarding fixing various stages of hearing and framing issues of the respondent raised this grievance before the Hon'ble Court. The Hon'ble Court at this stage fixed 14th June, 1971 as the date for further particulars. At that stage, however, Mr. C. T. Daru, the learned Advocate for the petitioner undertook in the Court that he would furnish a statement of particulars on the respondent's Advocate writing a letter for the same. In pursuance of this the Petitioner's advocate wrote a letter being letter dated 19th June, 1971, to the learned Advocate of the petitioner demanding the particulars. A copy of the said letter is annexed hereto and marked Annexure A.

The respondent further begs to state that the petitioner has annexed to the petition a list of documents which include amongst others a copy of Gujarat Samachar, page 1, dated 23rd February, 1971 containing advertisement by the president, Ahmedabad City District Congress Committee who happens to be the said Shri Vasudev Tripathi, at item No. 5 in the said list. The petitioner has annexed a copy of this document to an affidavit of documents sworn by him, on 10th June, 1971 as document No. 5. The said document also purports to bear the signature of Shri Vasudev Tripathi as one who issued the said advertisement. The respondent begs to rely upon the said affidavit of documents also for the purpose of showing that the allegations of corrupt practice contained in the petition are made against Shri Vasudev Tripathi.

The respondent state that the said Shri Vasudev Tripathi had filed his nomination paper at the election in question. The said nomination paper was held to be valid nomination paper. The said Shri Vasudev Tripathi was therefore a validly nominated candidate at the election in question. It may be mentioned here that Shri Tripathi had subsequently withdrawn the nomination paper.

The respondent submits that in view of the facts stated above Shri Vasudev Tripathi was a necessary party under Section 82 of the Representation of People Act, 1951. The petitioner has not joined the said Shri Tripathi as a respondent in the petition. The petition is, therefore, liable to be dismissed in limine, for non-compliance with Section 82 of the said Act, by virtue of Section 86(1) of the said Act.

The respondent, therefore, prays that this Hon'ble Court may be pleased to dismiss the petition in limine."

Issue No. 2 which I am now trying as a preliminary issue has been framed in the light of these averments in the written statement of respondent No. 1.

It may be stated that at the hearing of this preliminary issue before me it has been admitted by both sides that Vasudev Tripathi was a candidate at this election but subsequently he withdrew his candidature on or before the date of withdrawal. Thus he was not one of the contesting candidate though he was a validly nominated candidate.

As is now well-settled by several decisions of the Supreme Court, a candidate as defined in S. 79 (b) means not only a person who has been validly nominated and has contested the election but the word "candidate" includes also a candidate who after having been validly nominated has withdrawn his candidature on or before the date for withdrawal of candidature. Under S. 82(b) the petitioner has to join as respondents to the petition any candidate against whom allegations of any corrupt practice are made in the petition; since a person who was a validly nominated candidate but had withdrawn his candidature before the date of withdrawal is a candidate for the purpose of S. 82, it follows that if against such a person who had withdrawn candidature, allegations of any corrupt practice are made in the petition, it is incumbent on the petitioner to join him as respondent and if he has not been so joined under S. 86 (1), the High Court has to dismiss such election petition since it has not complied with the provisions of S. 82.

Under these circumstances, the question that I have to consider is: whether there are any allegations of corrupt practice in the petition against Vasudev Tripathi; and whether the letter, dated July 1, 1971, from the learned Advocate of respondent No. 1 furnishing the particulars *inter alia* regarding the contents of para 13(A) can be read as part of the petition itself, as to enable the Court to say that allegations of corrupt practice are made in para 13(A) against Vasudev Tripathi.

Before I proceed further, it is necessary for me to point out that under S. 83 of the Act, provision has been made by the Legislature regarding contents of an election petition. Under S. 83 (1) (a), an election petition has to contain a concise statement of the material facts on which the petitioner relies; and under S. 83 (1) (b), the petition shall set forth full particulars of any corrupt practice that the petitioner alleges including as full a statement as possible of the names of the parties alleged to have committed such corrupt practice and the date and place of the Commission of each such practice. I may also point out that under S. 83(2), any schedule or annexure to the petition shall also be signed by the petitioner and verified in the same manner as the petition. Under S. 86(5), the High Court may, upon such terms as to costs and otherwise as it may deem fit, allow the particulars of any corrupt practice alleged in the petition to be amended or amplified in such manner as may in its opinion be necessary for ensuring a fair and effective trial of the Petition, but shall not allow any amendment of the petition which will have the effect of introducing particulars of the corrupt practice not previously alleged in the petition.

As to what is precisely meant by the word "a concise statement of the material facts" in S. 83 (1)(a) of the Act and as to what is meant by "full particulars" in S. 83 (1) (b) of the Act, the Supreme Court has explained the meaning of these words and the difference between them very clearly in *S. N. Balakrishna v Fernandes*, A.I.R. 1969 S.C. 1201. The Judgment of the Supreme Court was delivered by Hidayatullah C.J. and in para 29, at page 1212, it has been observed:—

"Section 83 then provides that the election petition must contain a concise statement of the material facts on which the petitioner relies and further that he must also set forth full particulars of any corrupt practice that the petitioner alleges including as full a statement as possible of the names of the parties alleged to

have committed such corrupt practice and the date and place of the commission of each such practice. The section is mandatory and requires first a concise statement of material facts and then requires the fullest possible particulars. What is the difference between material facts and particulars? The word "material" shows that the facts necessary to formulate a complete cause of action must be stated. Omission of a single material fact leads to an incomplete cause of action and the statement of claim becomes bad. The function of particulars is to present as full a picture of the cause of action with such further information in detail as to make the opposite party understand the case he will have to meet. There may be some overlapping between material facts and particulars but the two are quite distinct. Thus the material facts will mention that a statement of fact (which must be set out) was made and it must be alleged that it refers to the character and conduct of the candidate that it is false or which the returned candidate believes to be false or does not believe to be true and that it is calculated to prejudice the chances of the petitioner. In the particulars the name of the person making the statement, with the date time and place will be mentioned. The material facts thus will show the ground of corrupt practice and the complete cause of action and the particulars will give the necessary information to present a full picture of the cause of action. In stating the material facts it will not do merely to quote the words of the section because then the efficacy of the words 'Material facts' will be lost. The fact which constitutes the corrupt practice must be stated and the fact must be correlated to one of the heads of corrupt practice. Just as a plaint without disclosing a proper cause of action cannot be said to be a good plaint, so also an election petition without material facts relating to a corrupt practice is no election petition at all. A petition which merely cites the sections cannot be said to disclose a cause of action where the allegation is the making of a false statement. That statement must appear and the particulars must be full as to the person taking the statement and the necessary information. The entire and complete cause of action must be in the petition in the shape of material facts, the particulars being the further information to complete the picture. This distinction is brought out by the provisions of Section 86 although the penalty of dismissal is taken away."

As regards s.86(5) of the Act, the Supreme Court has observed at page 1213 of the report:—

"The power of amendment is given in respect of particulars but there is a prohibition against an amendment "which will have the effect of introducing particulars of a corrupt practice not previously alleged in the petition." One alleges the corrupt practice in the material facts and they must show a complete cause of action. If a petitioner has omitted to allege a corrupt practice, he cannot be permitted to give particulars of the corrupt practice. He cannot be permitted to give particulars of the corrupt practice. The argument that the latter part of the fifth sub-section is directory only cannot stand in view of the contrast in the language of the two parts. The first part is enabling and the second part creates a positive bar. Therefore, if a corrupt practice is not alleged, the particulars cannot be supplied. There is however a difference of approach between the

several corrupt practices. If for example the charge is bribery of voters and the particulars give a few instances, other instances can be added; if the charge is use of vehicle for free carriage of voters, the particulars of the cars employed may be amplified. But if the charge is that an agent did something, it cannot be amplified by giving particulars of acts on the part of the candidate or Vice Versa. In the scheme of election law they are separate corrupt practices which cannot be said to grow out of the material facts related to another person. Publication of false statements by an agent is one cause of action. Publication of false statement by the candidate is quite a different cause of action. Such a cause of action must be alleged in the material facts before particulars may be given. One cannot under the cover of particulars of one corrupt practice give particulars of a new corrupt practice. They constitute different causes of action."

There are other decisions of the Supreme Court, which deal with the situation arising out of an amended election petition; in *Aminal v. Hunna Mal*, A.I.R. 1965 S.C. 1243, the allegation of corrupt practice in the petition as originally filed was that the respondent himself and through his agent, who was a candidate for election but who had withdrawn the candidature within the time allowed, had distributed and caused to be distributed certain pamphlets couched in language which tended to spread hatred between Sikhs and non-Sikhs in the State of Punjab. When the petition came up for hearing on the preliminary point, the Election Tribunal have its finding and according to the Tribunal, the petition suffered from the defects pointed out by the Tribunal. It, therefore, gave an option to the petitioner either to apply for leave to amend the petition or to amplify the particulars of corrupt practices in the light of the observations made by it in its order and directed that if the appellant did not choose to do either of these things the charges which were vague would be struck off. In pursuance of this order, the petitioner made an application for amendment of the petition and filed along with it an amended petition. One of the portions of the petitions of the petition which was amended was in the latter part of para 9(c) (1) and as amended it read thus:—

"This poisonous propaganda on the basis of two communities Punjabis and non-Punjabis and also on the basis of two religions Sikhs and non-Sikhs and on the basis of two languages Hindi and Punjabi was resorted to by the respondent his chief agent Shri Devi Lal with his consent throughout the constituency through the various pamphlets. One of the pamphlets titled 'phoolon ki sej so kanton ki rah per mager kion?' containing the speech of Shri Devi Lal dated 5th February, 1962 of the type the one of which is attached with this amended petition, the title page of which purports to have been printed from the Half-Tone Arts Press, Delhi, by one Dr. Ganesh Singh Verma, 3, Darya Ganj, Delhi, as its publisher and the other one titled "The case of Haryana and Hindi region" by professor Sher Singh, President, Haryana Lok Samiti presented to Das Commission in which the case of Haryana was put in before the Das Commission by professor Sher Singh in such a way as to spread hatred between the Sikhs and non-Sikhs population of Punjab State through the various figures given in it of the state Government servants of all ranks employed in the two regions, were distributed by respondent No. 1, his brother Suraj Bhan and his near relation Shri Laxmi Chand Gupta, Contractor, Gurgaon at a large scale in Hissar town on the 11th February, 1962 and at Adampur Mandi and Uklana Mandi on the 12th February, 1962 and at Barwala on the 13th February, 1962."

Now this Suraj Bhan was a candidate at the election as defined in s. 79 (b) of the Act, since he was a duly nominated candidate though he had withdrawn his candidature within the time permitted by the rules; and, therefore, the Supreme Court held that Suraj Bhan was for the purposes of s. 82 to be regarded as a candidate. The Supreme Court held that as the amended petition stood, there were allegations of corrupt practice against Suraj Bhan, who was a candidate; and, therefore, the petition was liable to be dismissed for non-compliance with the provisions of s. 86. It was contended before the Supreme Court that the Tribunal had no power to allow or direct amendment of an election petition as it was not a suit between the two parties but was a proceeding in which the entire constituency was interested and in this connection two decisions of the Supreme Court in *K. Kamaria Nadar v. Kanju Thevar*, 1965 SCR 583 (A.I.R. 1968 S.C. 687) and *Mallanna Bassappa v. Basavarsi Ayyana*, 1965 SCR 611 (A.I.R. 1958 S.C. 698) were relied upon that the Supreme Court held:—

"In the case before us, the Tribunal did not, by giving an option to the appellant either to amend the petition or furnish particulars or to have para 9 (c)(1) struck off as being vague enable the appellant to remove a defect pertaining to the presentation of a petition or joinder of parties (which are matter dealt with by Ss. 81 and 82). We agree with that has been said in *Harichandra Bajpai's case*, A.I.R. 1957 S.C. 444, and hold that the Tribunal was competent to allow or give an option to the appellant to amend the petition."

This decision of the Supreme Court emphasises the fact that if allegations of corrupt practice against a candidate as defined by s. 79 (b) are contained even in the amended petition, the petition is liable to be dismissed because of non-compliance with the provisions of s. 82(b) viz. by failure to join such a person as a respondent in the petition.

In *Mohan Rai v. Surendra Kumar*, A.I.R. 1969 S.C. 677 the election petition contained many grounds and the first ground was that the returned candidate or his election agent promoted hatred against the Congress, appealed to religion and sent persons dressed as Sadhu preaching that if Congress was returned to power there would be go-hatya and took pledges or oaths from voters. The second ground was that the returned candidate and his election agent were guilty of suppression of true expenses and filed false returns. The third ground was that the candidate or his election agent obtained the services of Government servants in furturing the election of the returned candidate. The last ground was that the returned candidate and his election agent and other persons with the consent of the returned candidate paid and offered bribes between January 13, 1967 to February 14, 1967, to induce the electors directly or indirectly to vote for the returned candidate. The petition was scrutinised and was found to be in order. The returned candidate entered appearance and filed a written statement. He took the objection that the allegations were vague and lacking in necessary particulars. The High Court thereupon ordered better and fuller particulars on July 2, 1967. The election petitioner was asked to file an application for amendment and a draft of the amended petition. This was done but there were objections. The objections were decided some of the allegations of corrupt practices were deleted for want of sufficient particulars. The other amendments were allowed. Para 16 of the petition in the amended form read as follows:—

"That the respondent No. 1 and his election agents Messrs R. D. Periwala and Shri Tunia and other persons with the consent of the respondent No. 1 paid and offered bribes between 13th January 1967 to 20th February, 1967 with the object of inducing directly or indirectly electors to vote for respondent No. 1".

Then instances of bribery were mentioned. Periwala was a candidate within the meaning of s. 79(b) because he had been validly nominated but had withdrawn his candidature within proper time. On these facts, it was held that the petition was liable to be dismissed under S. 86(1) because Periwala against whom allegations of corrupt practice were made was not joined as a respondent though Periwala was a candidate within the meaning of s. 79(b). The Supreme Court found that in the original petition no names were given but when better particulars were ordered, a categoric reference to the election agents was made by referring to Lunia and Periwala and this was again affirmed on personal knowledge by the Petitioner. It was pointed out that in the list of workers of the returned candidate Periwala was shown as the election agent and the returned candidate affirmed that Periwala was the only election agent. It was shown by way of illustration that the return of election expenses was filed by Periwala as the election agent and the allegations of corrupt practice in respect of election expenses related to Periwala. Subsequently an attempt was made for amendment of the election petition and it was stated that the name of R. D. Periwala in para 16 crept in because of uncertainty and inadvertence and the reference to election agent came to be made in an omnibus manner; that there was no intention to make any allegation against R. D. Periwala but two or three allegations of corrupt practice were imputed to Lunia. A request was therefore made that the reference to 'election agent' in all the paragraphs charging corrupt practices should be deleted and it was specifically prayed that the name of R. D. Periwala in paragraph 16 should also be deleted. In short it was intended to withdraw allegations against Periwala. This application was not separately considered by the High Court but the election petition itself was dismissed under s. 86(1) since Periwala who was a validly nominated candidate (who withdrew later) had to be compulsorily joined under section 82(b) if allegation of corrupt practice against him were made; and this decision of the High Court was upheld by the Supreme Court. The petitioner had not applied to join Periwala but he only wanted to delete the allegations against Periwala; and the Supreme Court held that this could not be permitted since permission to do so would defeat the provisions of s. 86(1). Every election petition can be saved by amendment in this way but that is not the policy of the law. The dismissal is peremptory and the law does not admit of any other approach. The Supreme Court pointed out that in *Amin Lal's case* (Supra) the matter was not gone into from that single and it was said that the amendment for better particulars was not intended to enable the election petitioner to remove the defect in presentation or in the joinder of parties.

Thus, it is clear that if the policy of the law as embodied in s. 86(1) is to be carried out, amendment cannot be permitted so as to delete the allegations of corrupt practice made against an individual, who is a candidate within the meaning of s. 79 (B) of the Act.

Over and above these decisions of the Supreme Court, there is also the decision of a Division Bench of this High Court in Letters patent Appeals Nos. 1, 2 and 3, all of 1967, decided by Dheguwati C.J. Vakil J. on 29th September, 1967. The facts leading to that decision in the letters patent appears are quite interesting. The Election petition was filed in that particular case on several grounds; and of those two were that corrupt practice had been committed by the first respondent; and secondly that the appeal was made by the first respondent to voters to vote for or refrain from voting on the ground of religion. An amendment of this election petition was sought and it was allowed by N. G. Shelat J.; and the amendment which was allowed by the learned Judge contained certain allegations of corrupt practice against one Chhotalal N. Patel, who was the election agent of the first respondent. This Chhotalal himself was one of the candidates who had been validly nominated but he had withdrawn his candidature within due time and hence if allegations of

corrupt practice were made against him, he would become a necessary party to the election petition and, therefore, the effect of not joining him as a party would mean dismissal of the election petition under s. 86(1). One of the questions before the Division Bench amending the Letters patent Appeals was whether this amendment allowed by N. G. Shelat J. was in accordance with law and Division Bench pointed out—

"Section 86, sub-section (5) provides that the High Court may allow the particulars of any corrupt practice alleged in the petition to be amended or amplified in such manner as may in its opinion be necessary for ensuring a fair and effective trial of the petition. The criterian which the High Court is required to apply is whether the amendment—and here we are using the word 'amendment' in a wider sense so as to include also amplification—of the particulars is necessary for ensuring a fair and effective trial of the petition and only if it is so necessary, the High Court can allow the amendment. Applying this criterian we find that the amendments allowed by the learned Judge were, with the greatest respect to him, clearly unjustified in so far as they alleged corrupt practice against Chhotalal Naranbhai Patel. These amendments, as already stated above, had the effect of rendering the petition liable to be dismissed under section 86, sub-section (1) and they could not, therefore, by any stretch of imagination be regarded as necessary for ensuring a fair and effective trial of the petition. Far from ensuring a fair and effective trial of the petition, they defeated the fair and effective trial by introducing a fatal infirmity in the petition. The first respondent, however, pleased that this was not a valid consideration to take into account for the question whether an amendment is necessary for ensuring a fair and effective trial of the petition is required to be judged only from the point of view of a deficiency in the particulars given in the petition and the Court is not entitled to take into account the other consequences of the amendments. But this argument is unsustainable.

* * * * *

If an amendment introduces a fatal infirmity precluding further trial of the petition, it would be contradiction in terms to say that the amendment was necessary to ensure a fair and effective trial of the petition. "The learned Judge, therefore, was clearly in error in allowing the amendments in so far as they contained allegations of corrupt practice against Chhotalal Naranbhai Patel".

I may point out that this decision of the Division Bench may also be justified on the ground pointed out by the Supreme Court in S. N. Balakrishna's case (Supra) viz., that in the election petition the corrupt practice was alleged to be the corrupt practice committed by the candidate and there was no allegation that it was committed by any agent; where as by the amendment a new type of corrupt practice alleged to have been committed by the agent of the candidate. In any view of the matter, therefore, the amendment should have been refused whether taking the view which appealed to the Division Bench viz., that the granting of the amendment would result in the petition being dismissed because of non-compliance with s. 82(b) or on the ground which appealed to the Supreme Court viz., that the corrupt practice which was sought to be alleged against Chhotalal Naranbhai was a different corrupt practice from the one alleged in the petition; and, therefore, on that ground also the amendment was not competent within the meaning of s. 86(5). It may be pointed out that against this decision of the Division Bench in letters patent Appeals Nos. 1, 2 and 3 all of 1967, an appeal was filed before the Supreme Court and that appeal was summarily dismissed by the Supreme

Court. In view of the fact that the decision of the Division Bench of this Court in these Letters Patent Appeals has received the imprimatur of the Supreme Court, I follow that judgment and the reasoning of that decision and I may add that even otherwise I am in agreement with the principle laid down in that Division Bench Judgment.

The principle which emerge from the decisions which I have so far discussed are that each election petition, as required by s. 83(b), must contain a concise statement of the material facts and these material facts must allege a particular type of corrupt practice as having been committed by the candidate concerned or by his agents or by some other persons with the consent of the candidates. Each one these categories viz., the corrupt practice committed by the candidate is a distinct category by itself as compared with the corrupt practice by his election agent or a corrupt practice committed by a person other than his election agent but with the consent of the candidate. Therefore, the petition must contain a concise statement of the material facts and so far as the present discussion is concerned, it must contain an averment that a particular type of corrupt practice was committed by the candidate himself or his election agents, or by some persons other than his election agents with the consent of the candidate. Those facts which are necessary to formulate a complete cause of action and all the facts necessary to constitute a particular type of corrupt practice must be stated in the petition. In support of this cause of action based on such averments of a particular type of corrupt practice, particulars are required to be stated and these particulars are required to be full particulars of the particular corrupt practice alleged including as full a statement as possible of the names of the parties alleged to have committed as the corrupt practice and the date and place of the Commission of such practice. It is also to be borne in mind that the particulars which are set out in the petition as distinct from the material facts constituting the cause of action may not be as full as the law required them to be, it is possible to add particulars of the corrupt practice which is alleged in the petition by amending the petition or by amplifying the particulars. That can be seen from s. 86(5) of the Act. Therefore, the law requires that either in the original petition itself or by way of an amendment to the petition or by way of amplification of the particulars the petitioner who files an election petition is required to state full particulars of the corrupt practice which he alleges in the petition including as full a statement as possible of the names of the parties alleged to have committed such corrupt practice and the date and place of the Commission of each such practice. If the particulars are not given, the consequences will be that at the time of the trial or the petition, the petitioner will be precluded from leading evidence on those points on which he has not furnished the particulars. That is the law regarding particulars which one finds laid down in cases decided under the Code of Civil Procedure. For example, law requires that in a suit based on the ground of fraud, particulars of fraud have to be given and if the particulars of fraud are not set out in the plaint, the plaintiff would be precluded from relying on particulars of fraud, which he has not set out in the petition. The reason behind this rule is that the other side cannot be taken by surprise and cannot be kept in the dark about the details of the fraud, which the plaintiff alleges in such cases. The same rule will also apply to the particulars in an election petition with the special qualification laid down by the election law, viz., that even by way of amendment particulars of corrupt practice other than the one alleged in the petition cannot be brought in and the amplification or amendment can only be regarding particulars of any particular corrupt practice which is already alleged in the petition itself. Once the amendment is carried out in the petition, the petition as amended has to be read as a whole and irrespective of what the consequences will be to the petition itself. The petition as amended has to be

looked at for the purpose of finding out whether the petition as amended contains allegations of a corrupt practice against the person who can be said to be a candidate within the meaning of s. 79(b) of the Act.

Before proceeding further I may dispose of one point regarding list of documents which has been canvassed before me. One of the grounds taken up in para 5A of the written statement is that item No. 5 in the list of documents refers to a particular issue of the delay newspaper Gujarat Samachar, published at Ahmedabad dated February 23, 1971. It is alleged that that particular issue contained an advertisement over the signature of Vasudev Tripathi in his capacity as the President of the District Congress of Congress Committee (J); and it was sought to be argued that by this document which was mentioned in the list of documents annexed to the petition or filed after the petition, the name of Vasudev Tripathi, who happened to be a candidate within the meaning of s. 79(b) of the Act, was mentioned. It is clear in my opinion, that a distinction must be maintained between annexures to the petition or contents of the petition itself and list of documents which is required to be filed under the relevant rules of procedure. Under 0.7 R. 14 C.P.C., sub-r. (1) requires that where a plaintiff sues upon a document in his possession or power, he shall produce it in Court when the plaintiff is presented, and shall at the same time deliver the document or a copy thereof to be filed with the plaintiff; and under sub-r. (2) where he relies on any other documents (whether in his possession or power or not) as evidence in support of his claim, he shall enter such document in a list to be added or annexed to the plaintiff. It is this list of documents which indicates documentary evidence on which the plaintiff proposes to rely in support of his claim. Under sub-r. (2), the list of documents has to be filed along with the plaintiff or has to be added or annexed to the plaintiff. This High Court has framed rules for the trial of election petitions; and rule 3 of the Rules requires that the following documents are to be annexed to the petition viz. aklatnama, List of documents upon which the petitioner relies and copies of schedules or Annexures. Now, it is to be borne in mind that the documents themselves are not required to be annexed to the petition. Only the list of documents on which the petitioner relies is required to be annexed to the petition. Under s. 87(1) of the Act, subject to the provisions of this Act, and of any rules made thereunder, every election petition shall be tried by the High Court, as nearly as may be, in accordance with the procedure applicable under the Code of Civil procedure, 1968, to the trial of suits. Proviso to s. 87(1) is not material for the purpose of this judgment. Under these circumstances, it is clear that so far as the list of documents in concerned, it is no way forms part of the petition. It merely indicate the documentary evidence on which the petitioner proposes to rely in support of his claim or his contentions at the time when evidence is led before the Court.

I am fortified in this conclusion by the decision of the Supreme Court in *Sahodrabai v. Ram Singh* AIR 1968 S.C. 1079. The Supreme Court in that case was concerned with an election petition and the distinction between annexures to the petition and the list of documents required to be filed along with the petition has been brought out by Hidayatullah J. (as he then was, delivering the Judgment of the Supreme Court, in Para 11, at page 1081 of the report, it has been pointed out):—

"Under the Code of Civil procedure a suit is commenced by a plaint. This is provided by O IV, R. 1 which says that every suit shall be instituted by presenting a plaint to the Court. After the plaint is received 0.5 provides the summoning of the defendants in the case and rule 2 of that order says that every summons shall be accompanied by a copy of the plaint, and if so permitted, by a concise statement. We then turn to the provisions of order 7

which deals with the contents of a plaint. The first rule mentions the particulars which must be in a plaint. It is not necessary to refer to them. The plaint has to be signed and verified. Rule 9 then provides that the plaintiff shall endorse on the plaint and annex thereto a list of documents if any, which he has produced along with it and, if the plaint is admitted, shall present as many copies on plain paper of the plaint as there are defendants unless the Court by reason of the length of the plaint or the number of defendants, or for any other sufficient reason, permits him to present a like number of concise statements of the nature of the claims made etc. It will be noticed here that, what is required to be provided are copies of the plaint itself or the concise statement according to the number of defendants. There is no mention here of any other documents of which a copy is needed to be presented to the Court for service to the defendants. Then we come to Rule 14 which states that where a plaintiff sues upon a document in his possession or power he shall produce it in Court when the plaintiff is presented and shall at the same time deliver the document or a copy thereof to be filed with the plaint. It will be noticed that he is required to file only one copy of the document and not as many copies as there are defendants in the case. It would therefore follow that a copy of the document is not expected to be delivered with the copy of the plaint to the answering defendants when summons is served on them. In the schedules to the Code of Civil procedure we have got appendix B which prescribed the forms for summons to the defendants. There is only one form of summons in appendix B. (Form No. 4) in which the copy of the negotiable instrument is to accompany the copy of the plaint. That is so because of the special law applying to the negotiable instruments and the time limit within which pleasure to that document have to be raised and this is only in summary suits. No other form makes any mention of any document accompanying the summons with the copy of the plaint. We need not go into more details. It is clear that the documents which are filed with the plaint have to be accompanied by one copy of those documents. This is because the copy is compared with the original and the copy is endorsed by the clerk of the Court and the document is sometimes returned to the party to be produced into Court later. The copy takes the place of the document concerned and is not to be sent to the parties with the plaint."

The Supreme Court there pointed out that the provisions of Election Law are in no way different from these requirements of the Code of Civil procedure as regards plaints in suits. It was pointed out by the Supreme Court that sub-sec. (2) of s. 83 has reference No. only to election petitions but also schedules and annexures to the petition. Therefore it is open to a petitioner for sake of easy reference, instead of setting out the entire document, which is alleged to constitute a particular type of corrupt practice, to annex the document to the petition and that document has to be verified under s. 82 (2) in the same manner as the petition itself. The documents thus annexed either as annexures or by way of schedule to the petition are as much part of the petition as the body of the petition itself. A list of document on the other hand is no more than a list of the documents on which the petitioner proposes to rely in support of the averments made in the petition at the time when evidence is led at the trial of the petition. Therefore, whatever is set out in the list of documents cannot be said to constitute a part of the petition itself; and if anything is contained in the list of documents, it cannot be said that even by

reference those statements set out in one of the documents contained in the list of documents are part of the petition itself in the same manner as the contents of the annexure to the petition would form part of the petition. Under these circumstances, it is not open to the respondent to rely on the contents of document No. 5 mentioned in the list of documents in support of his contentions regarding this preliminary issue.

I will now consider the effect of the order made by this Court on June 7, 1971, regarding particulars. On that day I had ordered that particulars, if any, should be filed on or before July 14, 1971. No particulars appear to have been filed in Court. On that day directions were also given regarding filing of an affidavit of documents, discovery and inspection of documents and copies of all documents were required to be filed on or before July 5, 1971; but the particulars which were directed to be filed were not filed on or before June 14, 1971. However, on June 19, 1972, be the learned Advocate for respondent No. 1 called upon the learned Advocate for the petitioner to furnish the particular *inter alia* regarding the names of the agents of respondent No. 1 who were alleged to have inserted and published the advertisements referred to in para 13(A) of the petition and in response to that letter, the name of Vasudev Tripathi President of the City Congress Shashak was mentioned as one of the agents of respondent No. 1 who inserted and published the advertisement in question.

One significant feature which I must point out regarding s. 86(5) is that the restriction which is contained at the end of s. 86(5) refers to amendment of the petition for the purpose of furnishing fuller and better particulars but it does not refer to amplification of particulars. The main body of s. 86(5) provides that particulars of any corrupt practice alleged in the petition may be allowed to be amended or amplified in such manner as may in the opinion of the High Court is necessary for ensuring a fair and effective trial of the petition; but so far as the bar contained in s. 86(5) is concerned, it only provides that the High Court shall not allow any amendment which will have the effect of introducing allegations not previously alleged in the petition. If what took place as a result of the exchange of the two letters, one, dated June 19, 1971, from the learned Advocate for the first respondent to the learned Advocate of the petitioner; and the other, dated July 1, 1971, from the learned Advocate for the petitioner to the learned Advocate of the first respondent, amounts to amplification of the particulars of the corrupt practice alleged in the petition, then the bar set out in s. 86(5) cannot apply to such amplification. The word "amplification" is not found defined in the Act or in the Code of Civil procedure and has to be given its ordinary meaning as understood by ordinary people. "Amplification" means "making large that which is otherwise small". For example, amplification of sound, amplification of light, amplification of objects through a microscope. In each of these cases that which would otherwise be small in sound, small in light or small in vision from the point of view of perception, becomes enlarged through some mechanism and it is in that sense that the particulars of the corrupt practice which are already alleged in the petition may be amplified in such manner as the High Court may permit. But it must be mentioned that such amplification must be of particulars.

It is true, as Mr. Daru, the learned Advocate appearing on behalf of the petitioner, pointed out relying on the judgment of the Division Bench in the Letters patent Appeals referred to above, that if an amendment had been sought for by inserting in the body of the petition the name of Vasudev Tripathi as one of the agents of the first respondent, against whom the allegations of corrupt practice are alleged to have been made, then the Court would have been bound to reject such an application. In the petition itself, as seen above, the allegations of this particular type of

corrupt practice mentioned in para 13 was made not only against the candidate but against his agents also. Therefore, the distinction based on the ruling of the Supreme Court in *S. N. Balakrishna's case (supra)* will not apply, the principle then laid down. Would not apply to such an amendment. If an amendment was sought for, the Court was bound to reject such an applications for amendment and could never have granted such an amendment. The principle laying down such a bar to the amendment arises by virtue of the specific language of s. 86(5) in the concluding portion of that sub-section. However, no such bar applied to amplification of particulars and the question that I have to consider is; firstly, whether there are any allegations of corrupt practice against agents of the first respondent; and whether those allegations meet the requirement of s. 123(3) of the Act. It is only if those allegations against the agents meet that requirement of s. 123(3) that the question would then arise whether the name of Vasudev Tripathi has been brought in by amplification of particulars as set out in the two letters of June 19, 1971 and July 1, 1971, referred to above. It is at that stage that I will have to consider whether the letter of July 2, 1971 can be taken into consideration as deleting the name of Vasudev Tripathi.

Under s. 123(3) of the Act, so far as is relevant for the purpose of this particular case, the use of religious symbols for furtherance of the prospects of the election of a candidate amounts to a corrupt practice by itself. In order to amount to an allegation of this corrupt practice as having been committed by an agent of the first respondent, there must be allegations in the petition that such agent used the religious symbol and secondly, that such use was made the agent for furtherance of the prospects of the election of respondent No. 1. When one turns to para 10 of the petition, one finds that the allegations is that reserved symbol of what the petitioner calls cow feeding the calf but what is in reality described by the Election Commission calf and cow was a religious symbol. It is secondly averred that the said symbol was used by respondent No. 1. Sub-para (A) sets out the instances of exercise of undue influence by respondent No. 1 by the use of this alleged religious symbol. It has to be borne in mind that sub-para (A) of para 13 purports to set out an instance of undue influence alleged to have been exercised by respondent No. 1 but so far as the agents of respondent No. 1 are concerned, there is no clear allegation that this was done by the agents for the purpose of furthering the election prospects of respondent No. 1 that allegation is to be found only in para 14 with reference to respondent No. 1 himself and not with reference to the agents of respondent No. 1. Assuming, however, that I am wrong on this aspect and assuming that the reference to the request of the electors to vote for the first respondent under this particular symbol amounts to furthering the election prospects of respondent No. 1, the question that I have still to ask myself is whether the exchange of correspondence by the two letters, one of June 19, 1971 and the other of July 1, 1971, amounts to application of particulars, as contemplated by s. 86(5). It is true that the only order of the Court as passed on June 7, 1971 was that the particulars, if any, should be filed on or before June 14, 1971, but no such particulars of corrupt practice were in fact filed in Court. Paragraph A of the written statement of the respondent mentions what transpired in Court on June 7, 1971 and it is mentioned that C. T. Daru undertook in the Court that he would furnish a statement of particulars on the respondent's Advocate writing a letter for the same and it was in pursuance of this assurance or undertaking by Mr. Daru that the exchange of letters took place and the name of Vasudev Tripathi come to be mentioned in the letter of July 1, 1971 as one of the agents responsible for publication of the advertisement.

The role question that I have now to ask myself is whether mentioning of the name of Vasudev Tripathi

in furnishing these particulars would amount making an allegation in the petition against Vasudev Tripathi, a candidate within the meaning of s. 79(b). The penalty which is incurred by s. 82(b) read with s. 86(1) is that any candidate against whom allegations of corrupt practice are made in the petition must be joined as respondent and if he is not joined as a respondent, the petition must be dismissed under s. 86(1). The allegations in the petition may be found either in the petition as originally filed or in the petition as subsequently amended as happened in the two cases before the Supreme Court referred to above. In the instant case before me, Vasudev Tripathi's name has not been brought in the petition either as originally filed or by any amendment subsequently made to the petition. It is only by way of amplification of particulars in the shape of exchange of the two letters that Vasudev Tripathi is to be found as referred to as one of the agents of the petitioner. I am unable to accept the contention urged on behalf of respondent No. 1 that amplification of the particulars can be read as forming part of the petition itself. An amendment has certainly to be read as a part of the petition but amplification merely ensures a smooth trial of the petition. It enables the parties to go with a clear-cut picture to the trial and helps them in leading evidence and thus in the disposal of the petition itself at stage of trial by confining the parties to certain specific particulars as amplified; but the amplification cannot form part of the petition itself. Therefore, when Vasudev Tripathi's name was mentioned, it cannot be said that any allegation of corrupt practice was made against Vasudev Tripathi in the petition. The requirement of s. 82(b) is that if any allegations of corrupt practice are made in the petition and in this context the petition is to be read either as originally filed or as amended than it was necessary to join Vasudev Tripathi as a party to the petition. If this amplification of particulars had not, for one reason or another, come then the petitioner would have been precluded from leading evidence regarding the agents with reference to whom the allegations of corrupt practice are set out in para 13(A) of the petition. That would have been the only effect of non-amplification of particulars or non-furnishing of particulars but it cannot be said that by supplying these particulars or by amplifying the particulars any allegation of this particular corrupt practice came to be mentioned in the petition against Vasudev Tripathi. It is on this narrow ground that I am inclined to decide this preliminary issue.

I may point out that Mr. Garg, for the first respondent, had urged before me at the time of arguments on this preliminary issue that in para 13(A) it has been mentioned that the advertisements appeared in daily newspapers on several days between February 1, 1971 and February 25, 1971. It is possible that the issue of Gujarat Samachar dated February 23, 1971, did contain an advertisement purporting to have been issued over the signature of Vasudev Tripathi in his capacity as the President of the District Congress Committee of the Congress (J), but it cannot be said that the petition itself contains an averment or any allegation of any corrupt practice simply because a reference is made to the advertisement as appearing in one of the issues of Gujarat Samachar between February 1, 1971 and February 25, 1971. This ground of attack is also not available to the first respondent.

Under these circumstances, I hold that it was not necessary for the petitioner to join Vasudev Tripathi as a respondent to the petition and the petition is not liable to be dismissed because of non-joinder of Vasudev Tripathi.

In the result issue No. (2) is answered in the negative.

By the Order of the Court
 (Sd.) M. M. SHASTRI.
 Dy. Registrar (I).

Dated this 27th day of August, 1971.

[No. 82/1/71(GJ).]

S.O. 2713.—In pursuance of section 106 of the Representation of the People Act, 1951 (43 of 1951) the Election Commission hereby publishes the Order, pronounced on the 7th December, 1971, by the High Court of Mysore at Bangalore in Election Petition No. 2 of 1971.

IN THE HIGH COURT OF MYSORE AT BANGALORE BEFORE THE HON'BLE MR. JUSTICE E. S. VENKATARAMIAH

ELECTION PETITION NO. 2 OF 1971

BETWEEN:

Shivaputtrappa Shivabasappa, Melligeri, 47 yrs.,
 Occ: Income-Tax Practitioner, R/o Bagalkot,
 Dist. Bijapur.—Petitioner.

(By Sri S. C. Javali,

By Sri C. N. Kamath.

By Sri S. B. Chandrashekhar.

By Sri R. Venkateshwara Rao.

By Smt. Bharathi R. Rao).

..

Vs.

AND

1. Sanganagouda Basangouda Patil, age 46 years,
 Krishikripa, P.O. Bilgi Dist. Bijapur.

2. The Chief Election Commissioner of India,
 New Delhi.

3. The Chief Electoral Officer, Govt. of Mysore
 High Grounds, Bangalore-1.

4. The Returning Officer, Bagalkot Parliamentary Constituency. Bijapur—Respondents.

(By Sri R. M. Patil, Sri V. H. Ron, Sri L. G.
 Havanur, Sri P. G. O. Chengappa and Smt.
 Malini Mahishi, Advocates for Respondent I;

Sri S. G. Sundaraswamy and Sri P. R. Srinivasan
 Advocates for Respt. No. 2.

Sri B. K. Ramachandra Rao, Addl. Govt. Advocate and Advocate for Respts. Nos. 3 and 4).

Election petition filed by the petitioner under Sec. 81 read with Section 100 of the Representation of the People Act, 1951 challenging the election of the Respondent No. 1 to the House of the People from 28 Bagalkot Parliamentary Constituency in the mid-term Elections held in the month of March 1971, and seeking an order that (i) the declaration of the candidate Respt. No. 1 is void and his election be set aside; (ii) the respondent No 1 is guilty of corrupt practices within the meaning of S. 123 of representation of the People Act, 1951; (iii) the petitioner is declared as having been duly elected; (iv) the petitioner is allowed with costs; and (v) for such other reliefs as may be deemed fit and proper in the circumstances of the case.

Judgment

The petitioner who was a candidate at the election held in the month of March, 1971, for Lok Sabha from Bagalkot Constituency in Mysore State, has filed the above election petition under section 81 of the Representation of People Act, 1951 (hereinafter referred to as the Act) calling question the election of respondent-1 to Lok Sabha from the said constituency at the said election. Respondent-2 is the Chief Election Commissioner of India. Respondent 3 is the Chief Electoral Officer in the State of Mysore. Respondent-4 is the Returning Officer of Bagalkot Lok Sabha Constituency.

The grounds urged, among others, in the petition for declaring the election of respondent-1 to Lok Sabha as void were the following:—

(1) That the election of respondent-1 was void for the reason that votes recorded on spurious and non-genuine ballot papers had been counted in his favour. According to the Petitioner at the time of counting of votes it was noticed that the voting marks placed on the election symbol 'calf and cow' which had been assigned to respondent-1 were found in a large number of ballot papers at the same point in all those marks appeared to be brighter than the marks on other ballot papers and somewhat shining. It was urged that the rubber stamping on the symbol 'calf and cow' appeared to have been done in many of the ballot papers more than ones and that was a matter of surprise to the petitioner, it was also urged that in a large number of ballot papers no voting marks at all were found anywhere and they were declared as invalid ones. The petitioner and his agents did not know the reason for the existence of such features in many of the ballot papers. Thereafter on further consideration by the petitioner, the petitioner felt that the rubber stamping on large number of ballot papers referred to above could not have been made by human hand, but must have been made by a mechanical process. The petitioner also felt that there must have been a preplanned scheme and that some fraud had been committed in order to secure the success of respondent-1. According to the allegations in the petition, the petitioner had reason to believe that certain appreciable percentage of ballot papers which were printed at Bangalore had been removed to Delhi and they were chemically treated at Delhi or that they were altogether removed and replaced by another set of chemically treated papers. It was urged that the object of chemically treating the ballot papers was to see that any voting mark made at the polling station on the symbols other than the symbol 'calf and cow' by the voters should disappear by the time the ballot papers were taken up for counting and that on the symbol 'calf and cow' a certain mark made with a mechanical process appearing to be similar to the mark made by the voters in the polling station, which was invisible at the time when the ballot paper was issued to the voter in the polling station, should appear at the time they were taken up for counting. In other words the petitioner's case on this point was that on account of the chemical treatment of the ballot papers; votes which had been validly cast in favour of candidates other than respondent-1 could not be counted in their favour because they had disappeared by the time the ballot papers were taken up for counting and that the appearance of marks which were invisible at the time when the ballot papers were issued at the polling station, was responsible for counting those ballot papers in favour of respondent-1. It was specifically urged that the treatment of ballot papers to achieve the above result could be made by using 15 per cent solution of stabilised Sodium Chlorite ($NaClO_2$) and by drying the paper at low temperature. When such a paper was stamped after a couple of days of storing with Methyl Violet based stamping ink, the mark would gradually wear out within a period of 24 to 48 hours. Thus, at the end of that period, there would not be any mark at all on such paper. It was also urged that it was possible to make an invisible mark made by using 5 per cent solution of Silver Nitrate ($AgNO_3$) and 0.2 per cent Indigosol Pink I. R. Extra on such paper visible after sometime. It was stated that by using ultra violet light in a dark room, it was possible to detect bleached impressions of rubber stamps and there were other methods by which the fact whether a ballot paper was chemically treated or not could be detected. It was urged that these ballot papers were chemically treated as a part of a preplanned scheme in order to see that candidates belonging to

Congress (R) party to which respondent-1 belonged succeeded in the election and in doing so the Election Commission had also colluded or connived. It was, therefore, urged that the election of respondent-1 should be set aside on that account.

(2) That the amendment of Rule 56 of the Conduct of Election Rules (hereinafter referred to as the Rules) as it stands to-day was done with the object of helping candidates belonging to Congress (R) party and that the said Rule was *ultra vires*.

(3) That the allotment of the symbol 'calf and cow' to Congress (R) party amounted to a corrupt practice. It was urged that the symbol 'calf and cow' was a religious symbol for a large majority of the Indian population, namely, Hindus considered 'cow' as a sacred animal; and

(4) That respondent-1, in the course of the election propaganda canvassed on communal lines by a systematic appeal to the voters on the basis of caste and religion. A large number of workers who worked on behalf of respondent-1 also canvassed on communal lines. It was, therefore, urged that respondent-1 was guilty of corrupt practice under Section 123 (3) of the Act.

Respondent-1 in his written statement denied all the allegations which had been made in the election petition. He pleaded that the ballot papers had not been chemically treated as alleged by the petitioner; that Rule 56 of the Rules was valid and it had been duly framed; that the symbol 'calf and cow' was not a religious symbol; that neither he nor any of his agents or workers appealed to voters on communal lines and that the Election Commission had not connived or colluded with Congress (R) party in order to secure the success of the members of that party at the last Lok Sabha elections. It was pleaded that the election petition had not been properly presented and the copy of the same served on respondent-1 had not been duly attested.

Respondent-2 denied in the written statement that the ballot papers had been chemically treated as alleged by the petitioner. He pleaded that he was not in any way a party to the alleged fraud said to have been committed with the object of securing the success of respondent-1 and his party at the Lok Sabha elections. It was pleaded that respondent-2 was not a necessary party to the petition. Similarly respondents 3 and 4 have also denied the allegations in the petition. They have stated that the ballot papers were got printed in accordance with the instructions received by them from the Election Commission of India and that the ballot papers were despatched to the Returning Officer immediately after they were so printed. The allegations that a number of ballot papers were removed from the printing press to some other place for the purpose of treating them chemically, was also denied by them. It was also stated that there was neither time nor opportunity to remove the ballot papers to some other place for the purpose of chemical treatment.

On the basis of the aforesaid pleadings, the following issues were framed on 13th August, 1971:—

I. (a) Whether the petitioner proves that the rubber stamping on the symbol of 'cow and calf' on large number of ballot papers used in the election had been made by a mechanical process on chemically treated ballot papers and not by voters?

(b) Whether the petitioner proves that an appreciable percentage of ballot papers were subjected to chemical treatment?

(c) Whether the petitioner proves that a corrupt practice has been committed and that the result of the election is materially affected or is otherwise vitiated, in the event of findings on issues I(a) and (b) being in the affirmative?

II(a) whether the symbol 'cow and calf' is a religious symbol?
 (b) Whether the allotment of 'cow and calf' to respondent-1 amounts to corrupt practice in law?

Deleted on 9th November, 1971.

(c) Whether the result of the election is materially affected by such allotment, in the event of such allotment being held as a corrupt practice?

(d) Whether the validity of the election can be called in question in an election petition on the ground referred to in issue II(b) above?

III(a) Whether the validity of amendment of Rule 56 of the conduct of Election Rules can be called in question in an election petition?

Deleted on 30th November, 1971.

(b) If the validity of amendment of Rule 56 can be called in question in an election, whether the amended Rule 56 is *ultra vires*?

(c) If Rule 56 is *ultra vires*, whether the result of the election is materially affected?

Deleted on 30th November, 1971.

IV(a) Whether respondent-1 appealed to voters in the course of his election campaign on the basis of community, caste and religion?

(b) Whether the petitioner proves any act referred to in issue IV (a) on the part of respondent-1 or any of his agent or agents or by any other person or persons working for him or in furtherance of his prospects at the election?

Deleted on 9th November, 1971.

V. Whether any of the alleged corrupt practices was committed with the connivance or consent or with the knowledge of respondent-1?

VI (a) Whether the names of any voters were removed from the electoral roll in violation of the Rules?

(b) Even if it is true, whether such removal can form a ground of attack in an election petition?

(c) Whether the result of the election was materially affected on account of such removal?

VII. Whether respondent-2 is a necessary party to the election petition?

VIII. Whether the election petition is not properly presented before the court?

IX. Whether the petition is not maintainable on account of non-attestation of the copy of the election petition furnished to the respondents?

Deleted on 30th November, 1971.

X. What order is to be passed on the election petition?

On 9th November, 1971 the counsel for the petitioner submitted that he would not press the grounds covered by issues II (a) to (d), IV (a) and (b), V and VI(a) to (c) and on 30th November, 1971 he submitted that he would not press issues Nos. III(a), (b), and (c). Sri R. M. Patil, the learned counsel for respondent-1 submitted on 30th November, 1971 that he would not press the grounds covered by issues VIII and IX. The resulting position is that only issues I(a), (b) and (c), VII and X survive for decision in this case.

Issues I (a), (b) and (c): The above issues relate to the allegation of the petitioner that a substantial number of ballot papers were chemically treated with the object of securing the success of respondent-1. Even though the petition is silent regarding the name of the chemical used and the method of treatment of ballot papers with the chemical, there is an averment that certain experiments said to have been conducted had shown that when a paper was treated with Sodium Chlorite solution it acquired the characteristic of causing disappearance of mark made with ink which was used at the polling station for ink pads at a subsequent stage and making a mark placed with the help of 5 per cent solution of Silver Nitrate (Ag No. 3) which was invisible when the mark is made, visible at a later stage. It is urged that as a result of such chemical treatment and the printing of invisible marks on the symbol 'calf and cow' on about 30 to 35 per cent of the ballot papers, the mark made by voters at the polling station by voters with the help of Kores ink or any other ink, disappeared and the invisible marks placed on the symbol 'calf and cow' which was the symbol of respondent-1 became visible by the time the ballot papers were taken up for counting. It is pleaded that all those papers which had the mechanically printed marks on the symbol 'calf and cow' were counted as valid votes in favour of respondent-1, and, therefore, respondent-1 got about 30 to 35 per cent of total number of votes polled even though the voters had not given their votes in his favour.

It may be mentioned here that the date on which the ballot papers were chemically treated has not been furnished in the petition. Sri R. Venkateswara Rao, the learned counsel for the petitioner, however submitted that as can be gathered from the allegations made in the petition, the case of the petitioner was that the ballot papers were chemically treated sometime after they were printed at the Government Central Press, Bangalore, and before they were delivered to the authorised representative of the Returning Officer to be carried to the constituency in question. If that is so it may be taken that the case of the petitioner is that the ballot papers must have been chemically treated sometime between 12th February, 1971 and 21st February, 1971. The necessary inference which follows from the above allegations is that the ballot papers were treated with a chemical of a specified concentration or quality so that the invisible marks alleged to have been made on the symbol 'calf and cow' which were not visible by the polling date should become visible on March 10, 1971, which was the date of counting and the marks made by the voters on the polling day disappeared by March 10, 1971.

The evidence on this point consists of (i) the oral evidence of some persons who were present at the time of counting; (ii) oral evidence of M. M. Kulkarni (P.W. 2) and Dr. O. P. Dharmahah (P.W. 6) who were examined as experts and whose evidence is treated as common evidence by consent of parties in E.P. 1 to 4 and 6 of 1971; (iii) the oral evidence of P.I. Jacob (R.W. 2 in E.P. 3 of 1971), K. G. Gowda, (R.W.1); M. S. Hirannalaah (R.W. 2); M. A. Arham (R. W. 3); Allabaksh Imam Hasan (R.W. 4) and M. L. Ramanna (R.W. 5) (the evidence of all these witnesses is treated by consent of parties as common evidence in E.P.s.1, 3, 4 and 6 of 1971) and R. B. Kulkarni (R.W. 6) and the documents marked through these witnesses and (iv) the result of inspection and scrutiny of certain unused and used ballot papers pertaining to the election in question.

S. S. Kavishetty (P.W. 1); M. B. Kundgol (P.W. 3); G. R. Patil (P.W. 4) and the petitioner (P.W. 5) are the four witnesses examined on behalf of the petitioner to show that a substantial number of ballot papers which were used at the election appeared to have certain peculiar features at the time when the ballot papers were counted. In this case, the polling took place on March, 7, 1971, and counting of votes was

done on the 10th and 11th of March, 1971. S. S. Kavishetty (P.W. 1) was one of the counting agents appointed by the petitioner. His evidence is that the counting of votes took place on the 10th and 11th of March, 1971, and he was present at the counting hall on both the days of counting. He further stated that after the counting was commenced he found that in a substantial number of ballot papers in which votes had been recorded in favour of the first respondent, the voting marks which were on the symbol 'Cow and Calf' were whiter than the ballot papers in which votes had been recorded in favour of the petitioner. He further stated that the marks that had been placed on the symbol of the petitioner were not clear. He admitted that he mentioned about these peculiar features to the petitioner and that he also mentioned to him that the election was not fair and there was some fraud in the conduct of the election. In cross-examination he admitted that he was conversant with the rules governing the rejection of ballot papers and that any ballot paper which was not genuine or which did not contain the mark made with the help of the instrument provided by the Polling Officer was liable to be rejected. He, however, did not raise any objection before the counting Officer or the Returning Officer and allowed the said ballot papers to be counted as genuine ones. The next witness who has given evidence on this question is M. B. Kundgol (P.W. 3). He was also a counting agent of the petitioner and his evidence is similar to the evidence of P. W. 1. He stated that he noticed while the counting of ballot papers was going on that many of the ballot papers in which votes had been cast in favour of the first respondent, the voting marks were bright. He also stated that the said ballot papers were brighter than the rest of the ballot papers. He admitted that the presence of these characteristics were the subject matter of discussion amongst the petitioner and the petitioner's agents on that day. This witness who knew the grounds on which ballot papers had to be rejected did not also raise any objection before the Returning Officer of the Counting Officer regarding the said ballot papers. G. R. Patil (P. W. 4) is another counting agent of the petitioner. He is an Advocate by profession. His evidence is that he found on a large number of ballot papers in which votes had been cast in favour of the first respondent uniform marks on the symbol 'Calf and Cow' and that those marks were shining. He has stated that those ballot papers were also slightly whiter than the other ballot papers. These peculiarities were observed by him after an hour or an hour and a half after the counting commenced on the 10th of March, 1971 and that he mentioned about the observations made by him to the petitioner and other counting agents. He has also stated that many of the invalid ballot papers did not contain any voting mark at all. This witness, in cross-examination admitted that he knew the grounds on which the ballot papers could be rejected and still he did not raise any objection with regard to the said ballot papers. The petitioner is examined as P. W. 5 in the case. He has stated that when the counting of ballot papers was going on, he found that about 30 per cent of the ballot papers in which votes had been cast in favour of the first respondent were brighter in colour than the rest of the ballot papers. According to him, he got an impression that those ballot papers must have been subjected to extra bleaching. He also stated that those ballot papers were also smoother than the other ballot papers and that he found in all those papers the voting marks were on the symbol 'Calf and Cow' at the same point in each ballot paper. He admits that he felt that some fraud might have been committed in the election process. But, he did not bring the above fact to the notice of the Returning Officer since he did not understand the manner in which the said fraud had been committed. It was only after meeting some of his leaders with whom he discussed about those special features, his suspicion regarding the

ballot papers became strengthened. After examining some of the used and unused ballot papers pertaining to the election in question, the petitioner stated that the ballot papers in which votes had been cast in his favour, the voting marks were all there and they did not appear to have become discoloured. He has stated that the appearance of those marks was similar to their appearance at the time of counting. He has also admitted that the colour of the ink used for placing voting marks both in the ballot papers in which votes had been cast in his favour and in the ballot papers in which votes had been cast in favour of the first respondent was more or less the same. His further answer in examination-in-chief is that in some of the used ballot papers in which he found the voting marks of the symbol 'calf and cow' the position of the marks varied from one ballot paper to another ballot paper. He plainly admitted that none of the features in the used ballot papers about which he developed some suspicion at the time of counting was visible to naked eye in the ballot papers which were examined by him in court and he did not find any difference between one ballot paper and another ballot paper. He further stated that even if the condition of the ballot papers at the time of counting was the same as the condition of the ballot papers at the time he examined them in Court, he would have still had the doubt that the ballot papers might have been chemically treated. But, he did not give any reason in support of that statement since he had earlier admitted that the ballot papers which he examined in Court did not have any characteristic which would excite suspicion. The above assertions must have been made by the petitioner only because he had come forward with an election petition containing an allegation that the ballot papers had been chemically treated and he did not want to get away from the said position. When he was cross-examined about the contents of paragraph 13 of the election petition in which there is an allegation of the chemical treatment of the ballot papers, the petitioner stated that he could not give any particulars about the said allegation and that he relied on the statement of one Nagnoor, the petitioner in E.P. No. 5 of 1971, who told him that the ballot papers must have been taken from Bangalore to Delhi for the purpose of chemical treatment and sent back for use. The said Nagnoor is, however, not examined. The petitioner did not make any other independent enquiry to assure himself about the truth or otherwise about the said allegation. He, however, stated that he suspected that the Chief Election Commissioner had a hand in the said corrupt practice, but, no reasons were given by him in support of the above statement. He further stated later on that he had no suspicion about the integrity of the Returning Officer or his counting assistants or the Chief Electoral Officer.

The uniform version of the above witnesses, P.Ws. 1, 3, 4 and 5, is that on March 10, 1971 on which date counting of votes commenced within about two hours they all noticed that a large number of spurious ballot papers or ballot papers containing marks made by an instrument other than the one provided at polling stations were being counted as valid ballot papers in favour of respondent-1. Later on all of them discussed about it in the course of the day, but still did not raise any objection before the Returning Officer or the Counting Officers in regard to the same. It may be remembered that the counting took place on the following day also. They all admit that they were aware of the rule which required the Returning Officer to reject the ballot papers which were spurious or which contained marks made by instruments other than the one provided at the polling station. The conduct of these witnesses is

not raising objections in regard to the peculiarities they observed, does not appear to be in conformity with the ordinary conduct of persons who are faced with such a situation. The reason given by the petitioner that he wanted to verify the matter before raising an objection appears to be an afterthought. The further evidence of the petitioner in the above case is that he did not make any attempt to verify whether the suspicion he had about the ballot papers was true or not. No enquiry has been made by the petitioner about the truth or otherwise of the matter. The petitioner has stated that he read some articles published in some periodicals after the Lok Sabha elections dealing with the possibility of chemical treatment.

The petitioner examined M. M. Kulkarni, P.W. 2 and Dr. O. P. Dharmarah, P. W. 6 as expert witnesses. Their evidence is treated as common evidence in all the petitions, E.P. 1 to 4 and 6 of 1971. They were examined in support of the above allegation regarding chemical treatment of ballot papers. M. M. Kulkarni is a person who holds a degree in Engineering. Admittedly he does not possess any high qualification in Chemistry. The extent of his knowledge of Chemistry could only be what he might have studied as an allied subject in the school and in the course of his Engineering study. He, however, claims that he had occasion to study the science of invisible ink while he was serving in the British Territorial Army and that he had conducted experiments after the last Lok Sabha elections on invisible inks. Be that as it may, the question for consideration is what value should be attached to his evidence.

M. M. Kulkarni was the election agent of Naval Tata who contested from one of the Bombay Lok Sabha Constituencies at the last Lok Sabha elections. Naval Tata was defeated in the election. Kulkarni who was disappointed at the result of that election developed suspicion about the ballot papers and started conducting experiments to find out whether it was possible to treat the ballot papers chemically to achieve the desired result. He appears to have given demonstration before the members of the All India Congress (O) who did not fare well at the last Lok Sabha elections. A reading of the deposition of Kulkarni left me with the impression that he was not a disinterested witness. That however is not the real factor which has led me to feel that his evidence is of no use to the petitioner. There are however other more weighty reasons to come to that conclusion.

In the course of his evidence he has stated that the methods of detection of the fact whether a particular paper was chemically treated or not were many. One of the methods according to him was that if ultra violet rays were made to fall on a chemically treated paper when it was treated with Sodium Chlorite, the treated paper would appear glowing white in colour with fluorescence and if an untreated paper was seen under ultra violet rays, it would have dull blue colour. He further stated that when he conducted experiments on paper with the help of diazo compound he found that the treated paper appeared to be violet in colour whereas the untreated paper appeared white. According to him there were some other methods of detection with the help of infra red rays, X-rays etc. He also stated that if a treated paper and an untreated were immersed in a solvent which would dissolve the particular chemical, the composition of the solvent after such immersion would be different. He stated that a mark made with the help of Kores ink (methyl violet which is being used in ink pads) would disappear if the paper had been treated before such marking with Sodium Chlorite or Sodium Hypochlorite on account disappear, according to the witness, denuded on the concentration of the chemical used and the qual-

ity of paper which was treated. To a question put by the court, the witness answered that once a mark made by an invisible ink became visible on a treated paper, it would continue to be visible for an indefinite period unless the paper was again subjected to another chemical treatment. He stated that such a mark would be visible at least for a period of one year. He stated that certain marks which would be invisible to the naked eye would be visible in some cases when they were looked at under ultra violet rays. According to the witness he could differentiate treated papers from untreated papers either by visual inspection or by conducting experiment or with the help of an instrument with which ultra violet rays could be made to fall on paper even without touching the paper. The above evidence was given on September 20, 1971, and the further examination of this witness was postponed to October 4, 1971. On October 6, 1971, I made an order that the Returning Officer should produce before the court the unused ballot papers for purpose of inspection and scrutiny in this case. The unused ballot papers relating to the constituency with which we are concerned in this case and five other Lok Sabha Constituencies in Mysore State were scrutinised by the witness. Before those ballot papers were scrutinised, the witness was asked by the court whether he was in a position to state whether a ballot paper was chemically treated or not if ballot papers printed for the purpose of election in the month of March 1971 were taken out from the box and shown to him. His answer to that question was that it was possible for him to find out either with ultra violet rays or by some other method and that he was ready on that day with the necessary equipment to examine the ballot papers with the ultra violet rays. On October 7, 1971, after carefully examining about 6080 papers pertaining to Mysore Lok Sabha Constituency (the election from that constituency is questioned in E.P. 6 of 1971) the witness stated that by passing ultra violet rays on a paper it was not possible for him to say whether the paper has been treated with Sodium Chlorite or not. He further stated that to find out with the ultra violet rays whether a piece of paper was treated with any chemical or not, it would be necessary to have the untreated paper of the same kind and quality. He stated that even when both treated and untreated papers are viewed under ultra violet rays, he could only say whether any paper had been treated or not, but could not say whether it was treated with Sodium Chlorite or not. He further stated that by passing ultra violet rays he could say that the paper had been treated with some chemical and could not say whether the chemical used is a bleaching agent or not. Later on he stated that by passing ultra violet rays on a paper which was treated, he could not say even though he was given the sample of the paper, whether the paper had been treated with a particular chemical. This answer of the witness is at variance with his statement in his evidence which he gave on September 20, 1971, namely, "method No. 1 when ultra violet rays are made to fall on a chemically treated paper, when it is treated with Sodium Chlorite of the type on which Exhibits P-1 and P-2 are printed, the treated paper will appear glowing white in colour with fluorescence. Similarly if ultra violet rays are made to fall on the untreated paper it will have dull blue colour". The witness gave a different version after examining the unused ballot papers because he was not able to say that any of those papers was treated with Sodium Chlorite. As already stated this witness was a person who was interested in making out a case that in the last Lok Sabha election in India the ballot papers that were used had been chemically treated in order to see that the members of Congress (R) party returned to Lok Sabha in large numbers. The witness further stated at the end of his deposition on October 7, 1971, "that the colour of the paper varies under ultra

violet rays from one piece of paper to another piece of paper even when it is taken out from the same stock if there is variation in the deposits on the paper of the chemical used for bleaching purposes in the paper factory". In his deposition, on October 12, 1971, the witness stated that he had seen in all about 35,000 unused ballot papers relating to Election Petitions 1 to 6 of 1971 and he could not say without resorting to some other chemical test whether any of them is treated with Sodium Chlorite or any other particular chemical. He had seen hundreds of those ballot papers under ultra violet rays and he was not in a position to say whether any of them had been treated with Sodium Chlorite or not. He further stated that it was not possible to say whether a paper is treated with Sodium Chlorite or not by passing ultra violet rays on it. He further admitted that he did not find any voting mark anywhere on the unused ballot papers under ultra violet rays. The witness also admitted that he had not conducted any experiment so far by which he could regulate the appearance of any invisible mark 18 hours after the marks were made and he could not do any experiment before the court to obtain that result, and he required at least three months time to conduct such an experiment.

The next witness who has been examined as an expert in this case is P.W. 6, Dr. O. P. Dharmaraj. He is a Professor of Chemistry in College affiliated to the University of Delhi. He has stated that he was a former member of Rashtriya Swayam Sevak Sangh and that on the governing Council of his college there were some members belonging to Bharatiya Jan Sangh, some of whose members have filed election petitions in the High Court of Delhi containing similar allegations. I shall however, deal with his evidence without reference to the above statements.

This witness was summoned on an application made by the petitioner after the case of the petitioner had been closed and after some of the used ballot papers were inspected and scrutinised by the court. In his deposition he stated that he could not say by merely looking at the ballot papers whether any of them was subjected to chemical treatment. He however, stated on examining the ballot papers under ultra violet rays that the ballot papers differed in opacity and exhibited different fluorescence or colours. He further admitted that when the paper was manufactured if there was difference in the chemical deposit on the surface of the paper, different portions of the paper would exhibit different colours even when they were taken out from the same roll due to the use of different quantities of sizing agent, binding agent, etc. He stated that in the ballot paper of the five constituencies concerned in Election petitions 1 to 4 and 6 of 1971 which he inspected, he could not take out any ballot paper by visual examination in which the mark which was originally visible had become invisible because he found in all of them marks put on symbols other than 'calf and cow' were still there. He stated that nobody by mere visual examination of a paper could say that it was chemically treated. Even by looking at the ballot papers under ultra violet rays, he was not in a position to say whether the ballot papers contained mechanically printed marks or the shining marks. He could only say whether any particular paper was whiter than the other. This witness admitted that he was present at the time when M. M. Kulkarni gave demonstration at Constitution Club, New Delhi, about his experiment. He was present at that place for about twenty minutes. He had discussed the matter with M. M. Kulkarni before he came to court to give evidence and he had also read the deposition of M. M. Kulkarni. The witness admitted that if a printed paper was given to him and he was asked to treat the

paper chemically with the object of marking an invisible mark visible later on and visible mark disappear at a later stage, he could not off-hand say how he should experiment. After examining the ballot papers, he stated that none of the ballot papers; which he had seen in the court, had been subjected to chemical treatment by applying Sodium Chlorite in liquid form. The witness next stated that a paper treated with Sodium Chlorite when viewed under ultra violet lamp would emit yellow fluorescence. This statement is inconsistent with the statement of M. M. Kulkarni who on the first day of his examination stated that a paper treated with Sodium Chlorite would emit glowing white colour under ultra violet rays. This witness however admitted that Sodium Chlorite was sometimes used by paper manufacturers as bleaching agent. His further evidence was that even when a mark which was visible at the commencement became invisible at a later stage, there would be some stain on the paper and it depended upon the nature of chemical used and the nature of the ink used and he did not observe any such stain by visual examination and even under ultra violet rays in any of the ballot papers examined by him. He however made it clear in his deposition that he could not say by visual examination whether any of the ballot papers which he examined in the court had been chemically treated or not. This witness made use of a ultra lamp in court while giving evidence. Continuing he said because he found different alignment of the mark between one ballot paper and another ballot paper, he would say that the marks were not made mechanically.

The above witness was approached by the counsel for the petitioner through Balraj Madhok who was a colleague of this witness at Delhi University and who had also filed an election petition with similar allegations before the High Court of Delhi. This witness proceeded to state that a mark made with the help of Kores ink on a chemically treated paper and which disappeared at a later stage could not be detected by looking at the paper under ultra rays. This statement is at variance with the statement of M. M. Kulkarni, namely, "certain invisible marks to the naked eye become visible in some cases when looked at them under ultra violet rays." This witness was of the opinion that none of the ballot papers which he inspected in court under ultra violet rays had any mark which was invisible to naked eye but which was visible when it was made. Lastly he stated that to his knowledge it was not possible with the equipment available in India to treat about ten lakhs of ballot papers with Sodium Chlorite in a period of ten days or less. The above question was asked in the context of the elections petitions which are being tried in this court. He also stated that by the experiment he conducted, he had not been able to regulate the time of appearance of invisible mark, but he had been able to regulate the time of disappearance of a visible.

Apparently the information which this witness possesses regarding the possibility of treating a paper chemically with the subject of making a visible mark disappear and an invisible mark appear, appears to be of a recent origin. The witness has admitted in the course of his deposition that he attended the demonstration given by M. M. Kulkarni at the Constitution Club, Delhi, out of curiosity and thereafter he conducted experiments to find out whether a mark placed on a paper would disappear at a regulated time and whether it can be made to appear at a later stage even though it was invisible at the commencement. He has stated the demonstration which M. M. Kulkarni gave was a surprise to him. If that is the position, then it is very difficult to place much reliance on the evidence of this witness because by his own statement it is clear that prior to his meeting M. M. Kulkarni in the month of March 1971, he had no idea of this branch of chemistry.

Even granting that there was a possibility of treating ballot papers chemically as pleaded by the petitioner, the question still remains whether it has been done in this case. The evidence of an expert witness under Section 45 of the Evidence Act is not conclusive and cannot be used as substantive evidence. The court must look for corroboration from the other evidence adduced in the proceedings to assure itself about the correctness or otherwise of the opinion of the expert. The court will have to take into account the various factors that surround the transaction which is in dispute and should judge the case on the basis of both external and internal evidence available in the case. The Supreme Court while dealing with evidence of a hand-writing expert observed in BANU RAM V. PRASANNI (A. I. R. 1950 Supreme Court, 93, as follows:—

"Section 67 of the Indian Evidence Act (1 of 1872) provides *inter alia* that if a document is alleged to be signed by any person the signature must be proved to be in his hand-writing. Section, 45 and 47 of the said Act prescribe the method in which such signature can be proved. Under Section 45 the opinion of the handwriting experts is relevant while under Section 47 the opinion on any person acquainted with the hand-writing of the person who is alleged to have signed the document is admissible. The explanation to the section explains when a person can be said to be acquired with the hand-writing of another person. Thus, there can be no doubt as to the manner in which the alleged signature of the appellant could and should have been proved; but even assuming that the signature of the appellant can be legally held to be proved on circumstantial evidence the principle which governs as the appreciation of such circumstantial evidence in cases of this kind cannot be ignored. It is only if the court is satisfied that the circumstantial evidence irresistably leads to the inference that the appellant must have signed the form that the court "can legitimately reach such a conclusion. In our opinion, it is impossible to accede to Mr. Doabia's argument that the facts held proved in the High Court inevitably lead to its final conclusion that the appellant had in fact signed the form. It is clear that in reaching this conclusion the High Court did not properly appreciate the fact that there was no legal evidence on the point and that the other facts found by it cannot even reasonably support the case for respondent-1."

Hence, unless there is other reliable evidence in the case which leads to the conclusion that the ballot papers must have been tampered with as suggested by the petitioner, it would not be safe to act merely on the evidence of the experts and come to a conclusion one way or the other on the question in issue. We should also bear in mind that the experts are not always disinterested.

The most important material available on the above question is the result of inspection and scrutiny of ballot papers themselves. On October 5, 1971, I made an order that the Returning Officer should produce before the court the sealed boxes containing unused ballot papers and accordingly they were produced. The counsel for the petitioner was asked to select at random a few packets containing unused ballot papers of different polling stations in the constituency for purpose of scrutiny and inspection. He accordingly selected 3,033 ballot papers pertaining to this constituency and after inspection of ballot papers it was noticed that in some of them there was any mark resembling a voting mark on the symbol 'calf and cow'.

M. M. Kulkarni one of the experts examined near the case who examined the ballot papers under ultra violet rays also was not able to say whether any of them had been chemically treated.

Now let me explain the usefulness of the examination of the unused ballot papers in determining the truth or otherwise of the allegations made in this petition. It is admitted that the ballot papers were printed with serial No. 1 upto the serial number of the last voter in the Lok Sabha Constituency. On an average there were about five lakhs of voters in each constituency and the ballot papers which are printed would therefore bear serial No. 1 to 5,00,000 or little more or less depending upon the number of voters in each constituency. It is stated that to each polling station in a constituency approximately about 1000 voters would be assigned. Thus, ballot papers bearing serial No. 1 to 1,000 would have been assigned to the first polling station; ballot papers bearing serial No. 1,001 to 2,000 would have been assigned to the second polling station; ballot papers bearing serial Nos. 2001 to 3,000 would have been assigned to polling station No. 3 and so on. It is also not possible to imagine how many voters would exercise their right to vote at each polling station. Hence, if there was a preplanned scheme to see that about 35 per cent of all the ballot papers were chemically treated in such a way that invisible mark on the symbol 'calf and cow' should become visible at a later stage, then amongst the ballot papers whichever not used, there must have been some papers in which the invisible marks had become visible. The only way of avoiding this contingency was by seeing that only the first few ballot papers assigned to each polling station were chemically treated so that all such papers would be used and there would be no trace of such papers among the unused ballot papers. In fact that was the submission made on behalf of the petitioner. It was argued that the chemically treated ballot papers were among the first three hundred to four hundred papers in each polling station. Then if about 35 per cent of the total number of ballot papers had been so treated as alleged by the petitioner, then amongst the used ballot papers the percentage of treated ballot papers should be nearly 60 to 70 per cent because the average voting in any polling station would be about 60 per cent of the total voters. That however is not the case of the petitioner. Hence, I feel that the absence of even a single ballot paper among the unused ballot papers containing the voting mark said to have been mechanically made on the symbol 'calf and cow' is a very strong circumstances against the contention of the petitioner. It is very difficult to accept that it was possible for anybody to see that not even a single ballot paper which was so chemically treated and mechanically stamped was found among the unused ballot papers for no one knew how many voters in a given area would go to a polling station on the date of the poll.

I shall now deal with the result of examination of used ballot papers during the course of the trial of this petition. When the trial of this petition was in progress the supreme Court pronounced its judgement in Civil Appeal No. 1343 of 1971 (SHASHI BHUSHAN v. PROF. BALRAJ MUDHOK AND OTHERS) and Civil Appeal No. 1473 of 1971 (AMAR NATH CHAWLA v. KANWAR LAL GUPTA AND OTHERS) which had been filed by some successful candidates who were respondents in some election petitions pending on the file of the High Court of Delhi in which similar allegations had been made. Following the said decision, I ordered that the Returning Officer should produce all the used ballot papers including the rejected ballot papers for purpose of inspection and scrutiny by the court and it was accordingly done. The counsel for the petitioner was permitted to select at random certain number of ballot papers from the boxes containing the used ballot papers. Accordingly the counsel for the petitioner selected 700 ballot papers in which votes had been cast in favour of respondent-1; 300 ballot papers in which votes had

been cast in favour of the petitioner and 12 rejected ballot papers. Thereafter the said ballot papers were scrutinised by the counsel for the parties and by the court. I recorded the result of visual examination of those ballot papers in a separate proceeding which was drawn up at that time. On visual examination of those ballot papers, I felt that the allegation that a large majority of ballot papers had been chemically treated with the desired object, was not true. I found in the ballot papers in which votes had been cast in favour of respondent-1 the voting marks were sometimes to the left of the symbol 'calf and cow'; sometimes to the right of the symbol, and sometimes on the symbol itself. Even when the voting marks were on the symbol itself, they were not found to be at the same position in all the ballot papers. The angle of the arrow mark in the voting mark varied from one ballot paper to the other. In none of the ballot papers in which votes had been cast in favour of the petitioner, the voting mark had disappeared or had become dull. An examination of the ballot papers in which votes had been cast in favour of respondent-1 as well as the petitioner showed that the brightness of the mark varied from paper to paper pending upon the quantity of ink present on the instrument provided at the polling station for placing the voting mark. The allegation that in a large majority of ballot papers in which votes had been cast in favour of respondent-1, the voting marks were at the same point in all the ballot papers and were uniform in brightness and the marks were shining, was not substantiated by the result of visual examination of those papers. The ballot papers appeared natural in form and none of them appeared to have been chemically treated. In fact that is the opinion of Dr. O. P. Dharmaraj, one of the experts examined in the case. The statement of the other witnesses of the petitioner, that certain peculiar features were noticed in a large majority of ballot papers by them at the time of counting was also not substantiated. It is no doubt true that the colour of the paper between one ballot paper and another was slightly dissimilar. That was because the ballot papers were selected at random for purpose of inspection. I am satisfied on the examination of the ballot papers that no further enquiry in this regard is necessary. In the judgment of the Supreme Court in the cases cited above, it was observed that if the court came to the conclusion on an examination of certain number of ballot papers selected at random, that the matter should be further probed into, the court might take evidence on the point at issue including the evidence of expert witnesses and thereafter it was open to the court to direct or not to direct a general inspection of the ballot papers. In view of what is stated above, I am of the opinion that no case has been made out to direct a general inspection of the ballot papers.

The other evidence which remains to be considered in this case is the evidence of the witnesses examined on behalf of the respondents. One of the Deputy Election Commissioners of India, P.I. Jacob has been examined on behalf of the Chief Election Commissioner in this case. He was examined as R.W. 2 in Election Petition No. 3 of 1971 and by consent of parties his evidence is read as common evidence in Election Petitions 1 to 4 and 6 of 1971. A copy of his deposition is marked as Exhibit R-22 in this case. This witness was in charge of the last Lok Sabha election. Under Section 19A of the Representation of People Act, 1951, he was authorised to exercise the powers of the Election Commission subject to supervision and control of the Chief Election Commissioner. He has stated that the paper used for printing of ballot papers in Mysore was procured from the Mysore Paper Mills Limited, Bhadravati, pursuant to an order made by the Director General of Supplies and Disposals, India. The colour, size and substance of the paper to be used for printing ballot papers were prescribed by the Election Commission. The colour of the paper was prescribed as 'cream wove white'; the size of the paper was prescribed as 43 cms. by 69 cms. and the substance of the paper was prescribed as 10.9 Kgs. per ream, by the

Election Commission of India. The instructions regarding the printing of ballot papers were issued as per paragraphs 22 and 23 in Chapter II of the Handbook for Returning Officers (Pages 34 and 35). Exhibit R-3 in Election Petition No. 3 of 1971 is the said book. This witness stated that instructions had been issued that ballot papers should be printed under maximum security conditions and should be despatched to the various constituencies in closed vans under police escort. He emphatically denied that any of the ballot papers used in any of the Lok Sabha Constituencies which were concerned in Election Petitions 1 to 4 and 6 of 1971, had been taken out of the Press after they were printed and they were chemically treated before they were delivered to the Returning Officers or their authorised agents. He denied that there was any preplanned scheme to which the Election Commission was party under which it was intended that respondent-1 who belonged to Congress (R) party should succeed. He also denied that there was any fraud committed with the connivance of the Election Commission in that direction. The witness stated that it was not true to say that the ballot papers used in any of the constituencies had been tampered with or chemically treated or they were replaced by another set of ballot papers which had been chemically treated. It was also denied by this witness that in many of the ballot papers in which votes had been cast in favour of respondent-1 the voting marks had been made with the help of an instrument or mechanically device other than the one provided at the polling station. According to this witness the object of prescribing that the counting of votes should take place on the same day in all the Constituencies in India except in West Bengal was to see that the result of the election in any of the constituencies in which poll had taken place did not have any effect on another constituency where poll had not yet taken place. The date of poll in West Bengal was March 10, 1971. Nothing has been brought out in cross-examination of this witness by the counsel for the petitioner to discredit his testimony. He was however, questioned about the discovery of certain ballot papers at Chandigarh at a place where the ballot papers should not have been found. He stated that those ballot papers did not relate to the constituency with which we were concerned and that he had investigated into the same and found that certain number of ballot papers which should have been destroyed by the Press had not been destroyed, but had been sold as waste paper to the contractors after March 15, 1972 by which time election in India had been over. Similarly he stated that his investigation into another allegation that certain ballot papers were being removed in two railway wagons bound for Madhya Pradesh also revealed that it did not affect the result of the election in any constituency.

The next witness examined on behalf of the respondents in this case is R.W. 1. He is the Assistant Director of Stationery, Government Press, Bangalore. He has stated that the ballot papers which were used at the last Lok Sabha Elections in Mysore State were all printed at Government Central Press, Bangalore. The paper which was used for printing ballot papers were purchased by the Government Central Press from Mysore Paper Mills Limited, Bhadravati. He produced Exhibit R. 3 which was the challan under which the paper was supplied by the Mysore Paper Mills Limited, Bhadravati. The Paper was received on December 1, 1970 and from out of that stock of paper, certain quantity was released for purposes of printing ballot papers from February 10, 1971 and February 17, 1971. Exhibits R-4 and R-10 are the indents given by the Assistant Director of Printing for supply of paper. In cross-examination he has stated that the Press did not place order for paper specifically for the purpose of Lok Sabha elections held in March, 1971. In answer to a question regarding the type of paper that was

issued for printing of ballot papers, the witness stated that 'cream wove' paper has been issued. When his attention was drawn to some discrepancy between Exhibit R-4(a), R-6(a) on the one hand and Exhibits R-5(a), R-7(a), R-8(a), R-9(a) and R-10(a), he answered that by mistake instead of 'cream wove' paper it might have been written as white-paper in Exhibits R-5(a), R-7(a), R-8(a), R-9(a) and R-10(a). The witness stated that he had not noticed the discrepancy in the description of paper referred to above at the time when the paper was issued for printing. He stated that the entire quantity supplied under Exhibit R-3 was supplied from one stock.

M. S. Hirannaiah, R.W. 2, is the Assistant Director, Government Central Press, Bangalore, and he was in charge of the printing of ballot papers. He stated that the programme of printing and dispatch of ballot papers was settled by the Chief Electoral Officer in consultation with the Director of Printing as per Exhibit R-11. The said document is signed by the Under Secretary working under the Chief Electoral Officer. This witness stated that he received instructions from the authorised representatives of the Returning Officers. He printed the ballot papers in accordance with Form No. 7A (Exhibits 12 to 16) sent by the Returning Officers. After the proof of the ballot papers in respect of each constituency was approved by the concerned authorised representative of the Returning Officer, the ballot papers were printed and after the ballot papers were printed they were numbered serially from No. 1 to last number of the ballot paper printed for that constituency. After the ballot papers were printed and were cut to size, they were being taken to another portion of the Government Printing Press premises which was known as 'Election Shed', where the ballot papers used to be kept in sealed boxes. There they were checked, counted and bounded into bundles of 500 each. Exhibit R-17 is the programme of work of printing of ballot papers which was being maintained by this witness.

The said Exhibit R-17 contains the date on which the ballot papers were despatched and according to this witness till the ballot papers were despatched they used to be at the 'Election Shed'. He has further stated that the Printing Press where the ballot papers were being printed and 'Election Shed' where the ballot papers were being kept were under the care and protection of the Watch and Ward Staff of the Press and the Police Officers whose service were secured for the said purpose at the time when the ballot papers were being printed at the Government Central Press. This witness has been cross-examined at length, but I do not find that anything is brought out to discredit the testimony of this witness. Sri R. Venkateswara Rao, the learned counsel for the petitioner, however argued that this witness had not explained the difference in the colour of some of the ballot papers and the use of a bigger type of numerals in some cases to print serial numbers of the ballot papers than what were used in the cases of other ballot papers. It was open to the petitioner on whom the burden of proof lay in this case to have put questions about them to this witness but he has not done so. It would be unfair to draw any inference against the witness or the respondents without drawing the attention of the witness to these points raised on behalf of the petitioner. The position of the petitioner in an election petition is not that of an accused in a criminal case and it is not open to a petitioner in an election petition to raise some point which is likely to lead to some doubt and to claim the benefit of it and on that basis to seek a declaration that the election is void. In fact the position of the petitioner in an election petition is equivalent to the position of the prosecution in a criminal case. The petitioner cannot certainly take advantage of a circumstance of the type referred to above.

The next witness examined on behalf of the respondents is M.A. Arham, R.W. 3. He was an Under Secretary to the Government of Mysore and was in charge of election. He was working under the directions of the Chief Electoral Officer at the last Lok Sabha election. He has stated that he was visiting the Press nearly 4-5 times every day when the ballot papers being printed and during the time when the ballot papers were in the premises of the Government Press, Bangalore. He was in charge of the supervision of the printing of ballot papers. He was assisted by Allabaksh Imam, Section Officer, R.W. 4 and M.A. Kalburgi, a Senior Assistant. His duty to see that the ballot papers were printed and despatched well in time through the authorised representatives of the Returning Officers after they were duly checked, scrutinised and bundled at the Government Central Press R.W. 4 Allabaksh Imam, Section Officer who was assisting M.A. Arham has corroborated the evidence of M.A. Arham.

M.L. Ramanna, R.W. 5 is the police officer who was in charge of security arrangements at the Government Central Press, Bangalore, at the time when the ballot papers were being printed for the last Lok Sabha elections. His evidence is that from February 12, 1971 to March 3, 1971, he had made necessary security arrangements. He had posted one Head Constable and three Constables to be in charge of the security of the Government Central Press and they had to be in charge of security of the Press all the 24 hours during that period. No doubt the police officers used to do their job by turns along with the members of the Watch and Ward of the Government Central Press. He has stated that he was visiting the premises of the Government Central Press occasionally to verify whether the persons who had been entrusted with the duty of looking after the premises of the press were doing their job properly or not.

The next witness examined on behalf of the respondents is R.B. Kulkarni, P.W.6. This witness had been appointed as the authorised representative of the Returning Officer to attend to the printing of ballot papers at the Government Central Press, Bangalore. His evidence is that he reached Bangalore on February 12, 1971 along with two assistants and later on four more assistants joined him and they all stayed at Bangalore till February 21, 1971. He has stated that he checked the proof of the ballot papers and the printing of ballot papers was over by February 17, 1971. The checking of papers, their bundling and packing was over by February 20, 1971 and that he took delivery of the ballot papers on February 21, 1971. He has stated that the ballot papers after they were printed were not removed from the premises of the Government Central Press to any other place till he took delivery of them on February 21, 1971. He has stated that he carried the ballot papers with police escort. In cross-examination he has stated that he did not know whether he had to carry the ballot papers on February 18, 1971 and that it was not correct to say that he scrutiny of ballot papers was over by February 14, 1971. He also stated that he had no control over the security arrangements at the Press. The security arrangements, as spoken to by other witnesses, were in charge of the authorities of the Press and the police and the fact that this witness had not control over the security arrangements at the press does not in any way affect the probative value of the evidence of this witness.

On reading the evidence of this witness and the other witnesses examined on behalf of the respondents as a whole, I am satisfied that adequate arrangements had been made regarding the security of the ballot papers at the Government Central Press and the ballot papers were never removed from the premises of the Government Central Press until they were actually delivered to the authorised representatives for the purpose of being carried to the constituencies.

Sri R. Venkateswara Rao urged that the Chief Electoral Officer had not produced the sample of the paper used for the printing of ballot papers which has been retained at the Government Central Press, Bangalore, even though he was called upon to do so by the petitioner, and, therefore, an adverse inference should be drawn against him. In reply to the memo of the petitioner calling upon the Chief Electoral Officer to produce the said sample paper, the Additional Government Advocate had stated that the paper was with the Government Central Press and the petitioner could take steps to summon it. Neither the Director of Government Central Press nor the state of Mysore is a party to this election petition and the Government Central Press is not under the control of the Chief Electoral Officer. It was open to the petitioner in these circumstances to have taken steps to summon the said paper from the Government Central Press which he has not done. No adverse inference can therefore be drawn against the Chief Electoral Officer on this ground.

It was next contended by the counsel for the petitioner that the chemical analysis of the ink that was used at the polling stations for the purpose of making the voting marks on the ballot papers had not been produced by the Election Commission. The petitioner cannot make a grievance of this because he had not asked the Election Commission to produce the same. One other ground urged by Sri R. Venkateswara Rao was that the Stock Ledger of the Government Central Press, Bangalore, had not been produced by the Chief Electoral Officer. As already stated the Chief Electoral Officer could not be called upon to produce any document which was in the custody of the Government Central Press. Hence the petitioner cannot also make a grievance of it.

The allegation that an appreciable number of ballot papers had been removed from the premises of the Government Central Press to some other place after they were printed and before they were delivered to the agent of the Returning Officer, for purposes of treating them chemically, is baseless. I also hold that the allegations made by the petitioner against the Election Commission in the petition are untrue.

It is significant that the petitioner did not make any enquiry at the Government Central Press, Bangalore, to find out whether the ballot papers had at all been removed to some other place. It may be mentioned here that the Government Central Press, Bangalore, was a Department of the State Government and during the relevant time, the Government in the State of Mysore was being run by the members of Indian National Congress (O) party. It is, therefore, very difficult to accept the case of the petitioner that in collusion with or with the connivance of the Election Commission that somebody was able to treat these papers chemically.

The petitioner has also not placed before court any positive evidence to show that the ballot papers had been taken out of the premises of the Government Central Press by somebody with the object of chemically treating them and replacing them by another set of chemically treated ballot papers.

Before recording my findings on issues I (a), (b) and (c), I propose to refer to one other aspect of the case. Neither in the petition nor in the course of the evidence, the petitioner had suggested any motive which must have prompted the Chief Election Commissioner to become a party to the alleged act of chemical treatment of ballot papers. Having regard to the status which is assigned to the Election Commission and the security of tenure guaranteed to the Chief Election Commissioner in the Constitution of India it is very difficult to believe that the Chief Election Commissioner was interested in one political party as against others. It appears that when the petitioner and several others who opposed the Congress (R) party, failed very badly at the election even in places where they were sure of their success

and being unable to explain the cause for their failure were in search of an alibi, the theory that the elections were rigged by resorting to chemical treatment of ballot papers which was the figment of the imagination of a deeply disappointed person with a fertile brain and which was given wide publicity just before the time for filing election petitions was over, was readily adopted by them as a ground to challenge the elections of some successful candidates. It is unfortunate that such grave allegations have been made in these proceedings without due verification. It is significant that the petitioner was not able to furnish any particulars about any of the persons involved in the alleged corrupt practice, but only relied upon the evidence of some witnesses who have given evidence regarding some peculiar features which they observed in some of the ballot papers at the time of counting. The result of visual examination of the ballot papers, both used and unused, and the other material which is available in the case totally belie the story that the ballot papers had been chemically treated and lead me to the conclusion that the allegation that certain peculiar features were observed by the witnesses for the petitioner at the time of counting must have been invented as an after-thought to suit the theory that the success of the Congress (R) party was on account of the chemical treatment of ballot papers. After giving my anxious considerations to all aspects of this case, I feel that the allegations made against the Election Commission and the officials connected with the election process are wholly unjustified. I fully exonerate the Chief Election Commissioner, the Chief Electoral Officer, the Returning Officers and all other officers who were entrusted with the duties connected with the election of all the charges and other veiled and sinister suggestions made against them.

I, therefore, hold on issue No. I(a) that the petitioner has failed to prove that the rubber stamping on the symbol 'cow and calf' on large number of ballot papers used in the election had been made by a mechanical process on chemically treated ballot papers and not by voters; and on issue No. I(b) that the petitioner has failed to prove that an appreciable percentage of ballot papers were subjected to chemical treatment. In view of the findings on issue No. I(a) and (b), Issue No. I(c) does not survive.

Issue No. VII.—This relates to the question whether the Election Commission of India was a necessary party to the election petition. It was contended by Sri S. C. Sundara Swamy, the learned counsel for respondent-2, that in view of Section 82 of the Representation of People Act, it was not open to the petitioner to implead any person other than the candidates as respondent to the petition. On going through Section 82 of the Act, I feel that the said section only prescribes that all the contested candidates should be made parties to an election petition. It does not say that no other person should be made a party to the election petition. When allegations of corrupt practice are made in an election petition against some persons other than a candidate, there is nothing wrong in impleading them as parties even at the stage of presentation of the petition. It may be mentioned that under Section 99 of the Act, if the court trying an election petition wants to hold a person other than a candidate guilty of corrupt practice, it has to issue a notice to him and then decide the said question. That only shows that persons other than the candidates could be made parties to an election petition. Even if it is to be held that the Election Commission was not a necessary party, I feel that the Election Commission, in the circumstances of this case, was a proper party. I, therefore, hold on issue No. VII that respondent-2, Election Commission of India, is a proper party though not a necessary party to the petition.

Issue No. X.—In view of my findings on issue Nos. 1(a), (b) and (c), this petition fails and is dismissed.

In view of the baseless allegations made in the petition, I feel that in the circumstances of the case, the petitioner should be directed to pay by way of costs Rs. 650/- to respondent-1; Rs. 650/- to respondent-2, and Rs. 650/- to respondents 3 and 4, together.

[No. 82/MY/2/72.]
(Sd.) E. S. VENKATARAMIAH,
Judge.

7th December, 1971.

New Delhi. the 5th July 1972

S.O. 2714.—In pursuance of section 106 of the Representation of the People Act, 1951 (43 of 1951) the Election Commission hereby publishes the Order pronounced on the 7th December, 1971, by the High Court of Mysore at Bangalore in Election Petition No. 3 of 1971.
IN THE HIGH COURT OF MYSORE AT BANGALORE BEFORE THE HON'BLE JUSTICE E. S. VENKATARAMIAH

ELECTION PETITION NO. 3/1971

BETWEEN:

Dr. N. C. Biligiri Rangiah, Advocate, 6th Cross Road, Sriramapuram Bangalore-21.

PETITIONER:

(By Sri S. C. Javali, Sri R. Venkateswara Rao, Sri S. B. Chandrasekhar and Smt. Bharathi R. Rao).

AND

1. Sri S. M. Siddalah, M.P., Advocate Ashokapuram, Mysore City.
2. Sri Nanjundaiah, S/o. Jayarajah, A. K. Street, Sosale Village, T. Narasipura Taluk, Mysore District.
3. Sri K. Siddalah, V. P. Member, A. K. Street, Tagadur Village, Nanjungud Taluk, Mysore District.
4. Sri R. Subramanyaiah, S/o. Sri Rangaiah, A. K. Street, Nerle village, Nanjangudi Taluk, Mysore District.
5. Sri K. M. Siddananaiah, Ex. Taluk Board Member, A. K. Street, Kukkur village, Talakad Hobli, T. Narasipura Taluk, Mysore District.
6. The Chief Election Commissioner, Government of India, New Delhi.
7. The Chief Electoral Officer, Government of Mysore, High Grounds, Bangalore.
8. The Electoral Registration Officer, Office of the City Municipality, Mysore City.
9. The Electoral Registration Officer Cum Sub-Divisional Officer, Nanjangudi Sub-division, Nanjangudi, Mysore District.

RESPONDENTS:

10. The Assistant Electoral Registration Officer, Cum Tahsildar, T. Narasipur Taluk, T. Narasipur, Mysore District.
11. The Returning Officer Cum Deputy Commissioner, Chamarajanagar Parliamentary (Reserved) Constituency, Mysore District, Mysore.
(By Sri R. M. Patil, Sri V. H. Ron, Sri L. G. Havanur, Sri P. G. C. Chengappa and Smt. Mallini Mahishi, Advocates for respondent No. 1;
- By Sri T. T. Amble, Advocate for respondent No. 2;
- By Sri S. G. Sundararao and Sri P. R. Srinivasan, Advocates for respondent No. 6;
- By Sri B. K. Ramachandra Rao, Additional Government Advocate, and Advocate for Respondents 7 to 11;

Respondents 3, 4 and 5 placed *ex parte* as per order dated 25th June 1971.

Election Petition filed by the Petitioner under Section 81 read with Section 100 of the Representation of the People Act, 1951, challenging the election of the respondent No. 1 to the House of the People from the Chamarajanagar Constituency in the Mid term General Elections held in the month of March, 1971, and seeking an order that (i) the inclusion and registration of the name of the respondent No. 1 as an elector by respondents Nos. 9 and 10 at Sl. No. 791, Part No. 59, of Sosa e village, in Bannur Assembly Constituency comprised in Chamarajanagar Parliamentary (Reserved) Constituency is illegal and void *ab initio*; (ii) the nomination of the respondent No. 1 to contest as a candidate from Chamarajanagar (Reserved) Parliamentary Constituency is invalid and illegal, the defects found in it are substantial and vital in character and as such is liable to be rejected; (iii) the acceptance of the nomination of respondent No. 1 by respondent No. 11 is improper and illegal; (iv) the respondent No. 1 is guilty of corrupt practices within the meaning of Section 123 of the Representation of the People Act, 1951; (v) the amendment Rule 56 (1) of the Conduct of Election Rules, 1961, is *mala fide*, illegal and *ultra vires*, the powers of respondent No. 6 (vi) the election of the returned candidate respondent No. 1 is void and his election be set aside; (vii) the petitioner has been duly elected, and (viii) for such other reliefs as may be deemed fit and proper in the circumstances of the case.

This Election Petition coming on for trial on 13th, 14th, 15th, 16th, 21st and 30th days of September, 1971, 4th, 5th, 6th, 7th, 11th, 12th, 13th, 14th, 21st, 25th, 26th and 28th days of October, 1971, and 2nd, 3rd, 4th, 8th, 9th, 10th, 15th, 16th, 17th, 18th, 22nd and 23rd, 24th, 29th and 30th days of November, 1971, in the presence of Sri S. C. Javali, Sri C. N. Kamath, Sri S. B. Chandrasekhar, Sri R. Venkateswara Rao and Smt. Bharathi, R. Rao, Advocates for the petitioner and Sri R. M. Patil, Sri V. H. Ron, Sri L. G. Havanur, Sri P. G. C. Chengappa and Smt. Mallini Mahishi, Advocates for respondents No. 2, Sri S. G. Sundararao and Sri P. R. Srinivasan, Advocates for the respondent No. 6 and Sri B. K. Ramachandra Rao, Assistant Government Advocate and Advocate for respondents 7 to 11, respondents 3, 4 and 5 having been placed *ex parte* and this Election Petition having stood over for consideration:

This Election Petition coming on for Hearing this day, the Court delivered the following:

JUDGEMENT

VENKATARAMIAH, J.: The petitioner who was a candidate at the election held in the month of March 1971 for Lok Sabha from Chamarajanagar Constituency in Mysore State, has filed the above election petition under Section 81 of the Representation of People Act, 1951 (hereinafter referred to as the Act) calling in question the election of respondent-1 to Lok Sabha from the said constituency at the said election. Respondents 2 to 5 were the candidates who contested the said election. Respondent-6 is the Chief Election Commissioner of India, Respondent-7 is the Chief Electoral Officer in the State of Mysore. Respondents 8, 9 and 10 are the Electoral Registration Officer of Mysore City, Electoral Registration Officer of Nanjangud and the Asst. Electoral Officer of T. Narasipur. Respondent-11 is the Returning Officer of Chamarajanagar Lok Sabha Constituency.

The grounds urged among others in the petition for declaring the election of respondent-1 to Lok Sabha as void were the following:

- (1) That the election of respondent-1 was void for the reason that votes recorded on spurious and non-genuine ballot papers had been counted in his favour

According to the petitioner at the time of counting of votes it was noticed that the voting marks placed on the election symbol 'calf and cow' which had been assigned to respondent-1 were found in a large number of ballot papers at the same point in all those ballot papers; that the colour of those marks appeared to be brighter than the marks in other ballot papers, and somewhat shining. It was urged that the rubber stamping on the symbol 'calf and cow' appeared to have been done in many of the ballot papers more than once and that was a matter of surprise to the petitioner. It was also urged that in a large number of ballot papers no voting marks at all were found anywhere and they were declared as invalid ones. The petitioner and his agents did not know the reason for the existence of such features in many of the ballot papers. Thereafter on further consideration by the petitioner, the petitioner felt that the rubber stamping on large number of ballot papers referred to above could not have been made by human hand, but must have been made by a mechanical process. The petitioner also felt that there must have been a preplanned scheme and that some fraud had been committed in order to secure the success of respondent-1. According to the allegations in the petition, the petitioner had reason to believe that certain appreciable percentage of ballot papers which were printed at Bangalore had been removed to Delhi and they were chemically treated at Delhi or that they were altogether removed and replaced by another set of chemically treated papers. It was urged that the object of chemically treating the ballot papers was to see that any voting mark made at the polling station on the symbols other than the symbol 'calf and cow' by the voters should disappear by the time the ballot papers were taken up for counting and that on the symbol 'calf and cow' a certain mark made with a mechanical process appearing to be similar to the mark made by the voters in the polling station, which was invisible at the time when the ballot paper was issued to the voters in the polling station, should appear at the time they were taken up for counting. In other words the petitioner's case on this point was that on account of the chemical treatment of the ballot papers, voting marks which had been validly cast in favour of candidates other than respondent-1 could not be counted in their favour because they had disappeared by the time the ballot papers were taken up for counting and that the appearance of marks which were invisible at the time when the ballot paper were issued at the polling station, was responsible for counting the votes cast on those ballot paper in favour of respondent-1. It was specifically urged that the treatment of ballot papers to achieve the above result could be made by using 15 per cent solution of stabilised sodium chlorite (NaClO_2) and by drying the paper at low temperature. When such a paper was stamped after a couple of days of storing with methyl violet based stamping ink, the mark would gradually wear out within a period of 24 to 48 hours. Thus, at the end of that period, there would not be any mark at all on such paper. It was also urged that it was possible to make an invisible mark made by using 5 per cent solution of silver nitrate (AgNO_3) and 0.2 per cent indigosol pink I.R. extra on such paper visible after sometime. It was stated that by using ultra violet light in a dark room, it was possible to detect bleached impressions of rubber stamps and there were other methods by which the fact whether a ballot paper was chemically treated or not could be detected. It was urged that these ballot papers were chemically treated as a part of a preplanned scheme in order to see that candidates belonging to Congress (R) party to which respondent-1 belonged succeeded in the election and in doing so the Election Commission had also colluded or connived. It was, therefore urged that the election of respondent-1 was liable to be set aside on that account.

(2) That the amendment of Rules (hereinafter referred to as the Rules) as it stands to-day was done with the object of helping candidates belonging to

Congress (R) Party and that the said Rule was ultra vires.

(3) That the allotment of the symbol 'calf and cow' to Congress (R) party amounted to a corrupt practice. It was urged that the symbol 'calf and cow' was a religious symbol for a large majority of the Indian Population, namely, Hindus considered 'cow' as sacred animal.

(4) That respondent-1, in the course of the election propaganda canvassed on communal lines by a systematic appeal to the voters on the basis of caste and religion. A large number of workers who worked on behalf of respondent-1 also canvassed on communal lines. It was, therefore, urged that respondent-1 was guilty of corrupt practice under Section 123(3) of the Act.

(5) That the acceptance of the nomination paper of the 1st respondent was not in order, and,

(6) that certain ballot papers in which voting marks had been made with the Presiding Officer's Seal had been wrongly accepted as valid ballot papers.

Respondent-1 in his written statement denied all the allegations which had been made in the election petition. He pleaded that the ballot papers had not been chemically treated as alleged by the petitioner; that Rule 56 of the Rules was valid and it had been duly framed; that the symbol 'calf and cow' was not a religious symbol; that neither he nor any of his agents or workers appealed to voters on communal lines, and that the Election Commission had not connived or colluded with Congress (R) party in order to secure the success of the members of that party at the last Lok Sabha elections. It was pleaded that the nomination paper of the 1st respondent had been validly accepted and no invalid ballot papers had been accepted as valid ones. It was further urged that the election petition had not been properly presented and that the copy of the petition served on Respondent-1 had not been properly attested. Respondents 2 to 5 did not contest the petition. They were placed *ex parte*.

Respondent-5 denied in the written statement that the ballot papers had been chemically treated as alleged by the petitioners. He pleaded that he was not in any way a party to the alleged fraud said to have been committed with the object of securing the success of respondent-1 and his party at the Lok Sabha elections. It was pleaded that he was not a necessary party to the petition. Similarly respondents 8 to 11 also denied the allegations in the petition. They have stated that there was no defect in the nomination of Respondent-1 that the ballot papers were got printed in accordance with the instructions received by them from the Election Commission of India and that the ballot papers were despatched to the Returning Officer immediately after they were so printed. The allegations that a number of ballot papers were despatched to the Returning Officer immediately after they were so printed. The allegations that a number of ballot papers were removed from the Printing Press to some other place for the purpose of treating them chemically, was also denied by them. It was also stated that there was neither time nor opportunity to remove the ballot papers from the Press to some other place for purposes of chemical treatment.

On the basis of the aforesaid pleadings, the following issues were framed on 13th August, 1971:—

Issues

- Whether the petitioner proves that the rubber stamping on the symbol of 'cow and calf' on large number of ballot papers used in the election had been made by a mechanical process on chemically treated ballot papers and not by voters?

(b) Whether the petitioner proves that an appreciable percentage of ballot papers were subjected to Chemical treatment to be used in the election?

(c) Whether the petitioner proves that a corrupt practice has been committed and that the result of the election is materially affected or is otherwise vitiated, in the event of findings on issues I(a) and (b) being in the affirmative?

II(a) Whether the symbol 'cow and calf' is a religious symbol?

[(b) Whether the allotment of 'cow and calf' to respondent-1 amounts to corrupt practice in law?

(c) Whether the result of the election is materially affected by such allotment, in the event of such allotment being held as a corrupt practice?

(d) Whether the validity of the election can be called in question in an election petition on the ground referred to in issue II(b) above?

III(a) Whether respondent-1 appealed to voters in the courts of his election campaign on the basis of community caste and religion?]

[Deleted on 30-11-1971.]

(b) Whether the petitioner proves any act referred to in issue No. III(a) on the part of respondent-1 or any of his agent or agents or by any other person or persons working for him or in furtherance of his prospects at the election?

IV. Whether any of the alleged corrupt practices was committed with the connivance or consent or with the knowledge of respondent-1?]

[Deleted on 30-11-1971.]

V(a) Whether the validity of amendment of Rule 56 of the Conduct of Election Rules can be called in question in an election petition?

(b) Whether the validity of amendment of Rule 56 can be called in question in an election petition, whether the amended Rule 56, is *ultra vires*?

(c) If Rule 56 is *ultra vires*, whether the result of the election is materially affected?

VI(a) Whether the names of any voters were removed from the electoral rolls is violation of the Rules?

(b) Even if it is true, whether such removal can from a ground of attack in an election petition?

(c) Whether the result of the election was materially affected on account of such removal?]

[Deleted on 9-11-1971.]

VII. Whether respondent-6 is a necessary party to the election petition?

VIII(a) Whether respondent-1 was not qualified to contest the election from Chamarajanagar Reserved Constituency and whether the acceptance of nomination paper was improper?

(b) Whether the election is to be declared as void on account of the improper acceptance of the nomination paper of respondent-1?

IX. Whether ballot papers used in Polling Booth Nos. 33/109, 34/109, 35/109 and 36/109 are not marked by the seals as alleged?

[Deleted on 30-11-1971.]

X. Whether the petitioner has not attested the copies of the election petition supplied to the respondents and whether the election petition is not maintainable on that account.

[XI. Whether the election petition is not properly presented before the Court?]

[Deleted on 30-11-1971.]

XII. What order is to be passed on the election petition.

On 9-11-1971 Shri R. Venkateswara Rao, learned counsel for the petitioner submitted that he would not press grounds covered by issues VI(a), (b) and (c), on 30-11-1971 he submitted that he would not press the grounds covered by issues II(a) and (b), (c) and (d), III(a) and (b), IV, V(a), (b) and (c) and IX and on the same date Shri R. M. Patil, learned counsel for the first respondent submitted that he would not press the grounds covered by issues X and XI. The resulting position is that only issues I(a), (b) and (c), VII, VIII(a) and (b) and XII survive for decision in this case.

Issues I(a), (b) and (c).—The above issues relate to the allegation of the petitioner that a substantial number of ballot papers were chemically treated with the object of securing the success of respondent-1. Even though the petition is silent regarding the name of the chemical used and the method of treatment of ballot paper with the chemical, there is an averment that certain experiments said to have been conducted had shown that when a paper was treated with sodium chloride solution it acquired the characteristic of causing disappearance of mark made with ink which was used at the polling station for ink pads at a subsequent stage and making a mark placed with the help of 5 per cent solution of Silver Nitrate (Ag N O_3) which was invisible when the mark is made, visible at a later stage. It is urged that as a result of such chemical treatment and the printing of invisible marks on the symbol 'calf and cow' on about 30 to 35 per cent of the ballot papers, the mark made by voters at the polling stations with the help of Kores ink or any other ink, disappeared and the invisible marks placed on the symbol 'calf and cow' which was the symbol of respondent-1 became visible by the time the ballot papers were taken up for counting. It is pleaded that all those papers which had the mechanically printed marks on the symbol 'calf and cow' were counted as valid votes in favour of respondent-1, and, therefore, respondent-1 got about 30 to 35 per cent of the total number of votes polled even though the voters had not given their votes in his favour.

It may be mentioned here that the date on which the ballot papers were chemically treated has not been furnished in the petition. Sri R. Venkateswara Rao, the learned counsel for the petitioner, however submitted that as can be gathered from the allegations made in the petition, the case of the petitioner was that the ballot papers were chemically treated sometime after they were printed at the Government Central Press, Bangalore, and before they were delivered to the authorised representative of the Returning Officer to be carried to the constituency in question. If that is so, it may be taken that the case of the petitioner is that the ballot papers must have been chemically treated sometime between 12th Feb., 1971 and 20th February, 1971. The necessary inference which follows from the above allegations is that the ballot papers were treated with a chemical of a specified concentration or quality so that the invisible marks alleged to have been made on the symbol 'calf and cow' which were not visible by the polling date should become visible on March 10, 1971, which was the date of counting and the marks made by the voters on the polling** day disappeared by March 19, 1971.

The evidence on this point consists of (i) the oral evidence of some persons who were present at the time of counting; (ii) oral evidence of M. M. Kulkarni (P.W. 2 in E.P. 2/71) and Dr. O. P. Dharmaraj (P.W. 6 in E.P. 2/71) who were examined as experts and whose evidence is treated as common evidence by consent of parties in E.P. 1 to 4 and 6 of 1971; (iii) the oral evidence of P. I. Jacob (R.W. 2 in

E.P. 3/71), K. G. Gowda, R.W. 1 in E.P.: 2/71, M.S. Hirananaiah, R.W. 2 in E.P. 2/71; M. A. Arham R. W. 3, in E. P. 2/71, Allabaksh Imam Hassan R. W. 4 in E.P. 2/71. M. L. Ramanna R.W. 5 in E.P. 2/71 the evidence of all these witnesses is treated by consent of parties as common evidence in E.P.s. 1 to 4 and 6 of 1971 and R. H. Adhyapak R.W. 1 in this case, and the documents marked through these witnesses and (iv) the result of inspection and scrutiny of certain unused and used ballot papers pertaining the election in question. On this question the petitioner has examined Dasaiah (P.W. 1), N. Basavaiah (P.W. 2), N.S. Mahadevappa (P.W. 3) in addition to his own oral evidence. The petitioner has been examined as P.W. 13 in the case. Dasaiah (P.W. 1) was one of the counting agents appointed by the petitioner. In this case the polling took place on the 4th March 1971 and the counting of votes took place on 10th, 11th and 12th of March, 1971. His evidence is that he was present at the counting hall at Mysore City on the 10th March, 1971. At the time of the counting of ballot papers, he noticed that on some of the ballot papers the voting marks had been made by voters by the seal of the Presiding Officer of the polling station, but not with the instrument provided for the purpose of placing the voting mark. It appears that in those ballot papers on the voting marks the numbers of the Constituency and the Polling Station were found, but they were not the Swastik marks which had been prescribed by the Election Commission. This witness does not say anything in support of the case of the petitioner except stating that the voting marks containing the L. A. Constituency number and the Polling Station number were on the symbol 'Calf and Cow' at the same place on the belly of the cow. This witness does not support the case of the petitioner that the appearance of a large majority of ballot papers which were used at the election was different from the appearance of the remaining ballot papers. The next witness is N. Basavaiah (P.W. 2). He was also a counting agent of the petitioner. His evidence is that at the time of the counting he found that on about 30 to 40 per cent of ballot papers in which votes had been cast in favour of respondent-1, voting marks on the symbol 'calf and cow', appeared to be printed ones. He also stated that in each of such ballot papers the portion of the ballot paper in which the symbol 'calf and cow' which had been assigned to respondent-1 had been printed was brighter than the rest of the ballot papers. The voting marks on the 'Charaka' symbol of the petitioner were not clear. In cross-examination he has admitted that he told the petitioner at the time of counting that some of the ballot papers had the characteristics mentioned above. He did not, however, raise any objection before the Returning Officer or the counting Officer regarding the genuineness of those ballot papers. The next witness examined by the petitioner on the above question is N. S. Mahadevappa (P.W. 3) who was also a counting agent of the petitioner. His evidence is that he noticed at the time when the counting of ballot papers was going on that the voting marks on the symbol 'Calf and Cow' were clear and distinct and that the voting marks on the other two symbols viz., 'Charaka' and 'Cycle' which had been assigned to the petitioner and respondent-2 respectively were not so clear. He does not give any information about the existence of any peculiar features in the ballot papers. He has also admitted that he did not raise any objection before the Counting Officer about the said ballot papers in which he found voting marks which were clear and distinct. The petitioner who was examined as P.W. 13 in the case stated that after examining the ballot papers which had been taken out for inspection and scrutiny, he could not say whether any of the ballot papers was chemically treated or not by looking at them at this distance of time. He did not find any difference between the brightness of the voting marks in the ballot papers in which votes had been cast in favour of respondent-1 and the brightness of the marks in the ballot papers in which votes had been cast in favour of the petitioner. The voting marks in the ballot papers in

which votes had been cast in favour of respondent-1 only resembled each other, but he could not say whether any of them had been mechanically marked. Even in the case of ballot papers in which votes had been cast in favour of the petitioner, the marks resembled each other and they did not appear to be mechanically made. He admitted that in the case of ballot papers in which votes had been cast in favour of respondent-1 the marks were not at all on the same point in the ballot papers, but were at various places in the column in which the symbol had been printed. He plainly admitted that he could not say whether there was any difference in the marks on the ballot papers on the date of his examination in Court. He further stated in his examination in Chief later on that at the time when the counting of ballot paper took place, he found that some of the ballot papers in which votes were cast in favour of respondent-1 were 'brightish', but he did not find amongst the ballot papers inspected by him in Court any ballot paper which was 'brightish'. The petitioner further stated that he felt that the ballot papers might have been chemically treated since the margin of difference between the number of votes polled by him and respondent-1 was much larger than the difference at the previous election. The second reason given by him in that connection was the publication of an article in the periodical 'Current' published from Bombay in the month of April 1971. In that article, according to the petitioner, it had been stated that the ballot papers used at the last elections might have been chemically treated. The third reason according to the petitioner which prompted him to make the allegation that the ballot papers might have been chemically treated was what was contained in an article published in 'Sunday Standard' and lastly he stated that the observations made by him at the time of counting prompted him to make the said allegation. In cross-examination he admitted that the voting marks in all the ballot papers in which votes had been cast in his favour which were inspected by him in Court had not disappeared and they were visible. He did not also find any stain on the ballot papers which he inspected in Court. He categorically stated that amongst six thousand and odd unused ballot papers which were inspected by him, he did not find any evidence of those papers having been chemically treated. He further stated that on the used ballot papers which he inspected, the voting marks had been made by the same ink irrespective of the candidate in whose favour the votes had been recorded. He admitted that the voting marks in all the ballot papers which were inspected by him were of the same colour and appeared to be those made with the help of Kores ink. The petitioner did not raise any objection at the time of the counting of votes to the ballot papers about which he had some suspicion. He did not make any other enquiry or investigation to assure himself about the truth or otherwise of the allegation before filing the petition. The petitioner did not have any doubt about the integrity of the Election Commission, Returning Officer, or persons connected with the printing of ballot papers till he saw the articles in 'Current' and 'Sunday Standard'.

The version of the above witnesses is that on 10th March 1971 on which date counting of votes commenced within about two hours they all noticed that a large number of spurious ballot papers or ballot papers containing marks made by an instrument other than the one provided at polling stations were being counted as valid ballot papers in favour of respondent-1. But still they did not file any objection before the Returning Officer or the Counting Officers in regard to the same. It may be remembered that the counting took place on the following two days also. They all admit that they were aware of the rule which required the Returning Officer to reject the ballot papers which were spurious or which contained marks made by instruments other than the one provided at the polling station. The conduct of these witnesses in not raising

conduct of persons who are faced with such a situation. No satisfactory reason is given for not raising objections at the time of counting. The further evidence of the petitioner in the above case is that he did not make any attempt to verify whether the suspicion he had about the ballot papers was true or not. No enquiry has been made by the petitioner about the truth or otherwise of the matter. The petitioner has stated that he read some article published in some periodicals after the Lok Sabha elections dealing with the possibility of chemical treatment.

The petitioner also relied upon the evidence of M. M. Kulkarni, P.W. 2 in E.P. 2/71 whose evidence is marked as Exhibit P. 35 in this case and Dr. O. P. Dharmaraj, P.W. 6 in E.P. 2/71 whose evidence has also been marked as exhibit P. 36 in this case as expert witnesses. Their evidence is treated as common evidence in all the petitions, E.P. 1 to 4 and 6 of 1971. They were examined in support of the above allegation regarding chemical treatment of ballot papers. M. M. Kulkarni is a person who holds a degree in Engineering. Admittedly he does not possess any high qualification in Chemistry. The extent of his knowledge of Chemistry could only be what he might have studied as an allied subject in the school and in the course of his Engineering study. He however claims that he had occasion to study the science of invisible inks while he was serving in the British Territorial Army and that he had conducted experiments after the last Lok Sabha elections on invisible inks. Be that as it may, the question for consideration is what value should be attached to his evidence.

M. M. Kulkarni was the election agent of Naval Tata who contested from one of the Bombay Lok Sabha Constituencies at the last Lok Sabha elections. Naval Tata was defeated in the election. Kulkarni who was disappointed at the result of that election developed suspicion about the ballot papers and started conducting experiments to find out whether it was possible to treat the ballot papers chemically to achieve the desired result. He appears to have given demonstration before the members of the All India Congress (O) who did not fare well at the last Lok Sabha elections. A reading of the deposition of Kulkarni left me with the impression that he was not a disinterested witness. That however is not the real factor which has led me to feel that his evidence is of no use to the petitioner. There are however other more weighty reasons to come to that conclusion.

In the course of his evidence he has stated that the methods of detection of the fact whether a particular paper was chemically treated or not were many. One of the methods according to him was that if ultra violet rays were made to fall on a chemically treated paper, when it was treated with sodium chlorite, the treated paper would appear glowing white in colour with fluorescence and if an untreated paper was seen under ultra violet rays, it would have dull blue colour. He further stated that when he conducted experiments on paper with the help of diazo compound he found that the treated paper appeared to be violet in colour whereas the untreated paper appeared white. According to him there were some other methods of detection with the help of infra red rays, X-rays, etc. He also stated that if a treated paper and an untreated were immersed in a solvent which would dissolve the particular chemical, the composition of the solvent after such immersion would be different. He stated that a mark made with the help of Kores ink (methyl violet which is being used in ink pads) would disappear if the paper had been treated before such marking with sodium chlorite or sodium hypochlorite on account of decoloration. The time taken for the mark to disappear, according to the witness depended on the concentration of the chemical used and the quality of paper which was treated. To a question put by the court, the witness answered that once a mark made by an

invisible ink became visible on a treated paper, it would continue to be visible for an indefinite period unless the paper was again subjected to another chemical treatment. He stated that such a mark would be visible at least for a period of one year. He stated that certain marks which would be invisible to the naked eye would be visible in some cases when they were looked at under ultra violet rays. According to the witness he could differentiate treated papers from untreated papers by visual inspection or by conducting experiment or with the help of an instrument with which ultra violet rays could be made to fall on paper even without touching the paper. The above evidence was given on September 20, 1971 and the further examination of this witness was postponed to October, 4 1971. I made an order that the Returning Officers should produce before the court the unused ballot papers for purpose of inspection and scrutiny in this case. The unused ballot papers relating to the constituency with which we are concerned in this case and five other Lok Sabha Constituencies in Mysore State were scrutinised by the witness. Before those ballot papers were scrutinised, the witness was asked by the court whether he was in a position to state whether the ballot papers were chemically treated or not if ballot papers printed for the purpose of election in the month of March 1971 were taken out from the box and shown to him. His answer to that question was that it was possible for him to find out either with the ultra violet rays or by some other method and that he was ready on that day with the necessary equipment to examining the ballot papers with the ultra violet rays. On October, 7, 1971 after carefully examining about 6085 papers pertaining to Mysore Lok Sabha Constituency (the election from the Constituency is questioned in E.P. 6 of 1971) the witness stated that by passing ultra violet rays on a paper it was not possible for him to say whether the paper had been treated with Sodium chlorite or not. He further stated that to find out with the ultra violet rays whether a piece of paper was treated with any chemical or not, it would be necessary to have the untreated paper of the same kind and quality. He stated that even when both treated and untreated papers were viewed under ultra violet rays, he could only say whether any paper had been treated or not, but could not say whether it was treated with sodium chlorite or not. He further stated that by passing ultra violet rays he would say that the paper had been treated with some chemical and could not say whether the chemical used is a bleaching agent or not. Later on he stated that by passing ultra violet rays on a paper which was treated, he could not say even though he was given the sample of the paper, whether the paper had been treated with a particular chemical. This answer of the witness is at variance with his statement in his evidence which he gave on September 20, 1971, namely, "method No. 1 when ultra violet rays are made to fall on a chemically treated paper, when it is treated with sodium chlorite of the type on which Exhibits P-1 and P-2 are printed, the treated paper will appear glowing white in colour with fluorescence. Similarly if ultra violet rays are made to fall on the untreated paper it will have dull blue colour." The witness gave a different version after examining the unused ballot papers because he was not able to say that any of those papers was treated with sodium chlorite. As already stated this witness was a person who was interested in making out a case that in the last Lok Sabha elections in India the ballot papers that were used had been chemically treated in order to see that the members of Congress (R) party returned to Lok Sabha in large numbers. The witness further stated at the end of his deposition on October 7, 1971 "that the colour of the paper varies under ultra violet rays from one piece of paper to another piece of papers even when it is taken out from the same stock if there is variation in the deposit on the paper of the chemical used for bleaching purposes in the paper factory. In his deposition, on 12th October 1971 the witness stated that he had seen in all about 35,000 unused ballot papers relating to

Election Petition 1 to 6 of 1971 and he could not say without resorting to some other chemical test whether any of them was treated with sodium chloride or any other particular chemical. He had seen hundreds of those ballot papers under ultra violet rays and he was not in a position to say whether any of them had been treated with sodium chloride or not. He further stated that it was not possible to say whether a paper was treated with sodium chloride or not by passing ultra violet rays on it. He further admitted that he did not find any voting mark anywhere on the unused ballot papers under ultra violet rays. The witness also admitted that he had not conducted any experiment so far by which he could regulate the appearance of any invisible mark 18 hours after the marks were made and he could not do any experiment before the court to obtain that result, and he required at least three months time to conduct such an experiment.

The next witness who has been examined as an expert in this case is P.W. 6 in E.P. 2 of 1971, Dr. C. P. Dharmaraj. He is a Professor of Chemistry in a college affiliated to the University of Delhi. He has stated that he was a former member of Rashtriya Swayam Sevak Sangh and that on the governing council of his college there are some members belonging to Bharatiya Jan Sangh, some of whose members have filed election petitions in the High Court of Delhi containing similar allegations. I shall however deal with his evidence without reference to the above statements.

This witness was summoned on an application made by the petitioner after the case of the petitioner had been closed and after some of the used ballot papers were inspected and scrutinised by the court. In his deposition he stated that he could not say by merely looking at the ballot papers whether any of them was subjected to chemical treatment. He however stated on examining the ballot papers under ultra violet rays that the ballot papers differed in opacity and exhibited different fluorescence or colours. He further admitted that when the paper was manufactured if there was difference in the chemical deposit on the surface of the paper, different portions of the paper would exhibit different colours even when they were taken out from the same roll due to the use of different quantities of sizing agent, binding agent, etc. He stated that in the ballot papers in the five constituencies concerned in E.P. 1 to 4 and 6 of 1971 which he inspected he could not take out any ballot paper by visual examination in which the mark which was originally visible had become visible because he found in all of them marks put on symbols other than 'calf and cow' were still there. He stated that nobody by mere visual examination of a paper could say that it was chemically treated. Even by looking at the ballot papers under ultra violet rays, he was not in a position to say whether the ballot papers contained mechanically printed mark or the marks were shining. He could only say whether any particular paper was whiter than the other. This witness admitted that he was present at the time when M. M. Kulkarni gave demonstration at Constitution Club, New Delhi, about his experiment. He was present at the place for about 20 minutes. He had discussed the matter with M. M. Kulkarni before he came to court to give evidence and he had also read the deposition of M. M. Kulkarni. The witness admitted that if a printed paper was given to him and he was asked to treat the paper chemically with object of making an invisible mark visible later on and visible mark disappear at a later stage, he could not off hand say how he should experiment. After examining the ballot papers, he stated that none of the ballot papers which he had seen in the court had been subjected to chemical treatment by applying sodium chloride in liquid form. The witness next stated that a paper treated with sodium chloride when viewed under ultra violet lamp would emit yellow fluorescence. This statement is inconsistent with the statement of M. M. Kulkarni who on the first day of his examination stated that a paper treated with sodium chloride would emit glowing white colour

under ultra violet rays. This witness however admitted that sodium chloride was sometimes used by paper manufacturers as bleaching agent. His further evidence was that even when a mark which was visible at the commencement became invisible at a later stage, there would be some stain on the paper and it depended upon the nature of chemical used and the nature of the ink used and he did not observe any such stains by visual examination and even under ultra violet rays in any of the ballot papers examined by him. He however made it clear in his deposition that he could not say whether any of the ballot papers which he had examined in court had been chemically treated or not. This witness made use of a ultra violet lamp in court while giving evidence. Continuing he said because he found the different alignment of the mark between the ballot paper and other ballot paper, he would say that the marks were not made mechanically.

The above witness was approached by the counsel for the petitioner through Balraj Madhok who was a colleague of this witness at Delhi University and who had also filed an election petition with similar allegations before the High Court of Delhi. This witness proceeded to state that a mark made with the help of Koros ink on a chemically treated paper and which disappeared at a later stage could not be detected by looking at the paper under ultra violet rays. This statement is slightly at variance with the statement of M. M. Kulkarni, namely, "certainly invisible marks on the naked eye become visible in some cases when looked at then under ultra violet rays". This witness was of the opinion that none of the ballot papers which he inspected in court under ultra violet rays had any mark which was invisible to naked eye but which was visible when it was made. Lastly he stated that to his knowledge it was not possible with the equipment available in India to treat about ten lakhs of ballot papers with sodium chloride in a period of ten days or less. The above question was asked in the context of the election petitions which were being tried in this court. He also stated that by the experiment he conducted, he has not been able to regulate the time of appearance of invisible mark, but he had been able to regulate the time of disappearance of a visible mark.

Apparently the information which this witness possesses regarding the possibility of treating a paper chemically with the object of making a visible mark disappear and an invisible mark appear, appears to be of a recent origin. The witness has admitted in the course of his deposition that he attended the demonstration given by M. M. Kulkarni at the Constitution Club, Delhi, out of curiosity and thereafter he conducted experiments to find out whether a mark placed on a paper would disappear after some time and whether it can be made to appear at a later stage even though it was invisible at the commencement. He has stated that the demonstration which M. M. Kulkarni gave was a surprise to him. If that is the position, then it is very difficult to place much reliance on the evidence of this witness because by his own statement it is clear that prior to his meeting M. M. Kulkarni in the month of March 1971, he had no idea of this branch of chemistry. I find it difficult to accept the evidence of this witness without reservations.

Even granting that there was a possibility of treating ballot papers chemically as pleaded by the petitioner, the question still remains whether it has been done in this case. The evidence of an expert witness under Section 45 of the Evidence Act is not conclusive and cannot be used as substantive evidence. The court must look for corroboration from the other evidence adduced in the proceedings to assure itself about the correctness or otherwise of the opinion of the expert. The court will have to take into account the various factors that surround the transaction which is in dispute and should judge the case on the basis of both external and internal evidence available in the case. The Supreme Court while dealing with evidence of a handwriting expert

observed in BANU RAM V. PRASANNI (A.I.R. 1950 Supreme Court, 93) as follows:—

"Section 67 of the Indian Evidence Act (1 of 1872) provides *inter alia* that if a document is alleged to be signed by any person the signature must be proved to be in his handwriting. Sections 45 and 47 of the said Act prescribe the method in which such signature can be proved. Under Section 45 the opinion of the handwriting experts is relevant while under Section 47 the opinion of any person acquainted with the handwriting of the person who is alleged to have signed the document is admissible. The explanation to the section explains when a person can be said to be acquainted with the handwriting of another person. Thus, there can be no doubt as to the manner in which the alleged signature of the appellant could and should have been proved; but even assuming that the signature of the appellant can be legally held to be proved on circumstantial evidence the principle which governs the appreciation of such circumstantial evidence in cases of this kind cannot be ignored. It is only if the court is satisfied that the circumstantial evidence irresistibly leads to the 'inference' that the court can legitimately reach such a conclusion. In our opinion, it is impossible to accede to Mr. Doaba's argument that the facts held proved in the High Court inevitably lead to its final conclusion that the appellant had in fact signed the form. It is clear that in reaching this conclusion the High Court did not properly appreciate the fact that there was no legal evidence on the point and that the other facts found by it cannot even reasonably support the case of respondent-1".

Hence, unless there is other reliable evidence in the case which leads to the conclusion that the ballot papers must have been tampered with as suggested by the petitioner, it would not be safe to act merely on the evidence of the experts and come to a conclusion one way or the other on the question in issue. We should also bear in mind that the experts are not always disinterested.

The most important material available on the above question is the result of inspection and scrutiny of ballot papers themselves. On October, 5, 1971, I made an order that the Returning Officer should produce before the court the sealed boxes containing unused ballot papers and accordingly they were produced. The counsel for the petitioner was asked to select at random a few packets containing unused ballot papers of different polling stations in the constituency for purpose of scrutiny and inspection. He accordingly selected 6207 ballot papers pertaining to this constituency and after inspection of ballot papers it was noticed that in none of them there was any mark resembling a voting mark on the symbol 'calf and cow'. M. M. Kulkarni one of the experts examined in the case who examined the ballot papers under ultra violet rays also was not able to say whether any of them had been chemically treated.

Now let me explain the usefulness of the examination of the unused ballot papers in determining the truth or otherwise of the allegations made in this petition. It is admitted that the ballot papers were printed with serial No. 1 upto the serial number of the last voter in the Lok Sabha Constituency. On an average there were about five lakhs of voters in each constituency and the ballot papers which were printed would therefore bear serial No. 1 to 5,00,000 or little more or less depending upon the number of voters in each constituency. It is stated that to each polling station in a constituency approximately about 1,000 voters would be assigned. Thus, ballot papers bearing serial No. 1 to 1,000 would have been assigned to the first polling station; ballot papers

bearing serial No. 1001 to 2,000 would have been assigned to the second polling station; ballot papers bearing serial Nos. 2,001 to 3,000 would have been assigned to polling station No. 3 and so on. It is also not possible to imagine how many voters would exercise their right to vote at each polling station. Hence, if there was a preplanned scheme to see that about 35 per cent of all the ballot papers were chemically treated in such a way that invisible mark on the symbol 'calf and cow' should become visible at a later stage, then amongst the ballot papers which were not used, there must have been some papers in which the invisible marks had become visible. The only way of avoiding this contingency was by seeing only the first few papers assigned to each polling station were chemically treated so that all such papers would be used and there would be no trace of such papers among the unused ballot papers. In fact that was the submission made on behalf of the petitioner. It was argued that the chemically treated ballot papers were among the first three hundred to four hundred papers in each polling station. Then if about 35 per cent of the total number of ballot papers had been so treated as alleged by the petitioner, then amongst the used ballot papers the percentage of treated ballot papers should be nearly 60 to 70 per cent because the average voting in any polling station would be about 60 per cent of the total voters. That however is not the case of the petitioner.

Hence, I feel that the absence of even a single ballot paper among the unused ballot papers containing the voting mark said to have been mechanically made on the symbol 'calf and cow' is a very strong circumstance against the contention of the petitioner. It is very difficult to accept that it was possible for anybody to see that not even a single ballot paper which was so chemically treated was found in the bundle of unused ballot papers for no one knew how many voters in a given area would go to a polling station on the date of the poll.

I shall now deal with the result of examination of used ballot papers during the course of the election petition. When the trial of this petition was in progress the Supreme Court pronounced its judgment in Civil Appeal 1343/71 (Shashi Bhushan V. Prof. Balaraj Madhok and others) and Civil Appeal No: 1473/71 (Amar Nath Chawla V. Kanwar Lal Gupta and others) which had been filed by some successful candidates who were respondents in some election petitions pending on the file of the High Court of Delhi in which similar allegations had been made. Following the said decision, I ordered that the Returning Officer should produce all the used ballot papers including the rejected ballot papers for purpose of inspection and scrutiny before the court and it was accordingly done. The counsel for the petitioner was permitted to select at random certain number of ballot papers from the boxes containing the used ballot papers. Accordingly the counsel for the petitioner selected 600 ballot papers in which votes had been cast in favour of respondent-1 and 200 ballot papers in which votes had been cast in favour of the petitioner and 10 rejected ballot papers. Thereafter the said ballot papers were scrutinised by the counsel for the parties and by the court. I recorded the result of the visual examination of those ballot papers in a separate proceeding which was drawn up at that time. On the visual examination of those ballot papers I felt that the allegation that a large majority of ballot papers had been chemically treated with the desired object was not true. I found in the ballot papers in which votes had been cast in favour of respondent-1 the voting marks were sometimes to the left of the symbol 'calf and cow' sometimes to the right of the symbol and sometimes on the symbol itself. Even when the voting marks were on the symbol itself, they were not found at the same position in all the ballot papers. The angle of the arrow mark in the voting mark varied from one ballot

papers to the other. In none of the ballot papers in which votes had been cast in favour of petitioner, the voting mark had disappeared or had become dull. An examination of the ballot papers in which votes had been cast in favour of respondent-1 as well as the petitioner showed that the brightness of the mark varied from paper to paper depending upon the quantity of ink present on the instrument provided at the polling station for placing the voting mark. The allegation that in a large majority of ballot papers in which votes had been cast in favour of respondent-1, the voting marks were at the same point in all the ballot papers and were uniform in brightness and the marks were shining, was not substantiated by the result of visual examination of those papers. The ballot papers appeared to be natural in form and none of them appeared to have been chemically treated. In fact that is the opinion of Dr. O. P. Dharmaraj, one of the experts examined in this case. The statement of other witnesses of the petitioner, that certain peculiar features were noticed in a large majority of ballot papers by them at the time of counting was also not substantiated. It is no doubt true that the colour of the paper between one ballot paper and another was slightly dissimilar. That was because the ballot papers were selected at random for purpose of inspection. I am satisfied on the examination of the ballot papers that no further enquiry in this regard is necessary. In the judgment of the Supreme Court in the cases cited, above, it was observed that if the court came to the conclusion on an examination of certain number of ballot papers selected at random, that the matter should be further probed into, the court might take evidence on the point at issue including the evidence of expert witnesses and thereafter it was open to the court to direct or not to direct a general inspection of the ballot papers. In view of what is stated above, I am of the opinion that no case has been out to direct a general inspection of the ballot papers.

The other evidence which remains to be considered in this case is the evidence of the witnesses examined on behalf of the respondents. The Deputy Election Commission of India, P. J. Jacob has been examined on behalf of the Chief Election Commission in this case. He was examined as R.W. 2 in this case and by consent of parties his evidence is read as common evidence in E.P. 1 to 4 and 6 of 1971. This witness was incharge of the last Lok Sabha elections. Under Section 19(A) of the Representation of People Act 1951 he was authorised to exercise the powers of the Election Commission subject to supervision and control of the Chief Election Commissioner. He has stated that the paper used for printing of ballot papers in Mysore was procured from the Mysore Paper Mills limited, Bhadravati, pursuant to an order made by the Director General of Supplies and Disposals, India. The colour, size and substance of the paper to be used for printing ballot papers were prescribed by the Election Commission. The colour of the paper was prescribed as 'Cream wove White'; the size of the paper was prescribed as 43 cms. by 69 cms. and the substance of the paper was prescribed as 10-9 kgs per ream, by the Election Commission of India. The instructions regarding the printing of ballot papers were issued as per paragraphs 22 and 23 in Chapter II of the Hand Book for Returning Officers (Pages 34 and 35). Exhibit R-5 is the said book. This witness stated that instructions had been issued that ballot papers should be printed under maximum security conditions and should be despatched to the various constituencies in closed vans under police escort. He emphatically denied that any of the ballot papers used in any of the Lok Sabha Constituencies which were concerned in E.P. 1 to 4 and 6 of 1971, had been taken out of the press after they were printed and they were chemically treated before they were delivered to the Returning Officers or their authorised agents. He denied that there was any preplanned scheme to which the Election Commission was a party under which it was intended that respondent-1 who belonged to Congress (R) party should succeed. He also denied that there was any fraud committed

with the connivance of the Election Commission in that direction. The witness stated that it was not true to say that the ballot papers used in any constituency had been tampered with or chemically treated or they were replaced by another set of ballot papers which had been chemically treated. It was also denied by this witness that in many of the ballot papers in which votes had been cast in favour of respondent-1 the voting marks had been made with the help of an instrument or mechanical device other than the one provided at the polling station. According to this witness the object of prescribing that the counting of votes should take place on the same day in all the Constituencies in India except in West Bengal was to see that the result of the election in any of the constituencies in which poll had taken place did not yet taken place. The date of poll in West Bengal was March 10, 1971. Nothing has been brought out in cross-examination of this witness by the counsel for the petitioner to discredit his testimony. He was however questioned about the discovery of certain ballot papers at Chandigarh at a place where the ballot papers should not have been found. He stated that those ballot papers did not relate to the constituency with which we were concerned and that he had investigated into the same and found that certain number of ballot papers which should have been destroyed by the press had not been destroyed, but had been sold as waste paper to the contractors after March 15, 1971, by which time election in India had been over. Similarly he stated that his investigation into another allegation that certain ballot papers were being removed in two railway wagons bound for Madhya Pradesh also revealed that it did not affect the result of the election in any constituency.

The next witness examined on behalf of the Respondents is R.W. 1 in E.P. 2 of 1971 who is again a common witness. His deposition is marked as Exhibit R-18 in this case. He is Assistant Director of Stationary, Government Press, Bangalore. He has stated that the ballot papers which were used at the last Lok Sabha elections in Mysore State were all printed at Government Central Press, Bangalore. The paper which was used for printing ballot papers were purchased by the Government Central Press from Mysore Paper Mills Ltd. Bhadravathi. He produced Exhibit R-3 in E.P. 2 of 1971 which was the challan under which the paper was supplied by the Mysore Paper Mills, Ltd., Bhadravathi. The paper was received on 1-12-1970 and from out of that stock of paper, certain quantity was released for purposes of printing ballot papers from 10-2-1971 and 17-2-1971. Exhibits R-4 to R-10 in E.P. 2 of 1971 are the indents given by the Assistant Director of printing for supply of paper. In cross-examination he has stated that the Press did not place order for papers specifically for the purpose of Lok Sabha Elections held in March 1971. In answer to a question regarding the type of paper that was issued for printing the ballot papers, witness stated that cream wove paper had been issued. When his attention was drawn to some discrepancy between Exhibit R-4(a) and R-6(a) on the one hand and Exhibits R-5(a), R-7(a), R-8(a), R-9(a) and R-10(a), he answered that by mistake instead of Cream wove paper it might have been written as white-paper in Exhibits R-3(a), R-7(a), R-8(a), R-9(a) and R-10(a). The witness stated that he had not noticed the discrepancy in the description of paper referred to above at the time when the paper was issued for printing. He stated that the entire quantity supplied under Exhibit R-3 was supplied from one stock.

M. S. Hirinnaiah, R.W. 2 in E.P. 2 of 1971 whose deposition is marked as Exhibit R-19 in this case, is the Assistant Director, Government Central Press, Bangalore, and he was in charge of the printing of ballot papers. He stated that the programme of printing and despatch of ballot paper was settled by the Chief Electoral Officer in consultation with the Director of Printing as per E.R. 11 in Exhibit 2 of

1971. The said document is signed by the Under Secretary working under the Chief Electoral Officer. This witness stated that he received instructions regarding the printing of ballot papers from the authorised representatives of the Returning Officers. He printed the ballot papers in accordance with Form No. 7A (Ex. 12 to 16) in E.P. 2/71 sent by in Returning Officers. After the proof of the ballot papers in respect of each constituency was approved by the concerned authorised representative of the Returning Officers, the ballot papers were printed and after the ballot papers were printed they were numbered serially from No. 1 to last number of the ballot paper printed for that constituency. After the ballot papers were printed and were cut to size, they were being taken to another portion of the Government Printing Press premises, which was known as 'Election Shed' where the ballot papers used to be kept in sealed boxes. There they were checked, counted and bundled into bundles of 500 each. Exhibit R-17 in Ex. P-2 of 1971 is the programme of work of printing of ballot papers which was being maintained by this witness.

The said Exhibit R-17 contains the date on which the ballot papers were despatched and according to this witness till the ballot papers were despatched they used to be at the 'Election Shed'. He has further stated that the printing Press where the ballot papers were being printed and the 'Election Shed' where the ballot papers were being kept were under the care and protection of the Watch and Ward staff of the Press and the police officers whose services were secured for the said purpose at the time when the papers were being printed at the Government Central Press. This witness has been cross-examined at length, but I do not find that anything is brought out to discredit the testimony of this witness. Sri R. V. Rao, learned Counsel for the petitioner, however argued that this witness had not explained the difference in the colour of some of the ballot papers and in some cases the user of a bigger type of numerals in some cases to print serial number of the ballot papers than what were used in the case of other ballot papers. It was open to the petitioner on whom the burden of proof lay in this case to have put the question about them to this witness but he has not done so. It would be unfair to draw any inference against the witness or the respondents without drawing the attention of the witness to these points raised on behalf of the petitioner. The position of the petitioner in an election petition is not that of an accused in a criminal case and it is not open to a petitioner in an election petition to raise some point which is likely to lead to some doubt and to claim the benefit of it and on that basis to seek a declaration that the election is void. In fact the position of the petitioner in an election petition is equivalent to the position of the prosecution in a criminal case. The petitioner cannot take advantage of a circumstances of the above kind.

The next witness examined on behalf of the respondent is M.A. Arham, R.W. 3 in E.P. 2 of 1971, who is again a common witness. His evidence is marked as Exhibit R-20 in this case. He was an Under Secretary to the Government of Mysore and was incharge of election. He was working under the directions of the Chief Electoral Officer at the last Lok Sabha Elections. He has stated that he was visiting the Press nearly 4-5 times every day when the ballot papers were being printed and during the time when the ballot papers were in the premises of the Government Press, Bangalore. He was incharge of the supervision of the printing of ballot papers. He was assisted by Allahaksh Imam, Section Officer R.W. 4 in E.P. 2 of 1971 and M.A. Kalburgi, a Senior Assistant. His duty was to see that the ballot papers were printed and despatched well in time through the authorised representatives of the Returning Officers after they were duly checked scrutinised and bundled at the Government Central Press. R.W. 4 in E.P. 2 of 1971 is Allahaksh Imam whose evidence is marked as Exhibit R-21 in this case. He was the

Section Officer who was assisting M.A. Arham referred to above. His evidence corroborates the evidence of M.A. Arham.

M. L. Ramanna, R.W. 5 in E.P. 2/1971 who is again a common witness and whose evidence is marked as Exhibit R-22 in this case, is the Police Officer who was incharge of security arrangements at the Government Central Press, Bangalore, at the time when the ballot papers were being printed for the last Lok Sabha elections. His evidence is that from 12-2-1971 to 3-3-1971 he had made necessary security arrangements. He had posted one Head Constable and 3 Constables to be incharge of the security of Government Central Press and they had to be incharge of security of the Press all the 24 hours during that period. No doubt the police officers used to do their job by turns along with the members of the Watch and Ward staff of the Government Central Press. He has stated that he was visiting the premises of the Government Central Press occasionally to verify whether the persons who had been entrusted with the duty of looking after the premises of the Press were doing their job properly or not.

R. H. Adhiyapak who has been examined as R.W. 1 in this case was the authorised representative of the Returning Officer in connection with the printing of ballot papers. He was also appointed as the authorised representative in respect of Mysore Lok Sabha Constituency. It may be mentioned here that the Deputy Commissioner Mysore was the Returning Officer of both the Mysore Lok Sabha Constituency and Chamarajanagar Lok Sabha Constituency. The evidence of this witness was recorded in this case and by consent of parties the said evidence is treated as common evidence in E.P. 6/71 also. His evidence is that he came to Bangalore on 12-2-1971 in connection with the printing of ballot papers for Chamarajanagar and Mysore Lok Sabha Constituencies and he was attending to that work at the Government Central Press, Bangalore between 13th February, 1971 and 20th February, 1971. He has stated that he approved the proofs of ballot papers and after the ballot papers were printed he individually checked all the ballot papers. After the ballot papers were so checked and bundled into bundles of 500 each, they were placed in dealwood boxes and thereafter he carried them under police escort to Mysore City. In cross-examination, he has stated that he had brought some Assistants to help him in connection with the checking of ballot papers. He has further stated that between the 13th and the 16th February, 1971 the printing of ballot papers was going on and between the 16th and 19th sorting work according to serial number and bundling was done. He took delivery of the ballot papers on the 20th morning and carried them the same day to Mysore. He has denied the allegation that the ballot papers after they were printed had been removed outside the Press before they were made ready for despatch to the Returning Officer.

On reading the evidence of this witness and the other witnesses examined on behalf of the respondents as a whole, I am satisfied that adequate arrangement had been made regarding the security of the ballot papers at the Government Central Press and the ballot papers were never removed from the premises of the Government Central Press until they were actually delivered to the authorised representatives for the purpose of being carried to the constituencies.

Sri R. Venkateswaran the learned Counsel for the petitioner urged that the Chief Electoral Officer had not produced the sample of the paper used for the printing of ballot papers which had been retained at the Government Central Press, Bangalore, even though he was called upon to do so by the petitioner and therefore, an adverse inference should be drawn against him. In reply to the memo of the petitioner calling upon the Chief Electoral Officer to produce the

said sample paper, the Additional Government Advocate had stated that the paper was with the Government Central Press and the petitioner could take steps to summon it. Neither the Director of Government Central Press nor the State of Mysore is a party to this petition and the Government Central Press is not under the Chief Electoral Officer. It was open to the petitioner in these circumstances to have taken steps to summon the said paper from the Government Central Press which he has not done. No adverse inference can therefore be drawn against the Chief Electoral Officer on this ground.

It was next contended by the counsel for the petitioner that the chemical analysis of the ink that was used at the polling stations for the purpose of making the voting marks on the ballot papers had not been produced by the Election Commission. The petitioner cannot make a grievance of this because he had not asked the Election Commission to produce the same. One other ground urged by Sri R. V. Rao was that the Stock Ledger of the Government Central Press, Bangalore, had not been produced by the Chief Electoral Officer. As already stated the Chief Electoral Officer could not be called upon to produce any document which was in the custody of the Government Central Press—Hence the petitioner cannot also make a grievance of it. The allegation that any of the ballot papers had been removed from the premises of the press to some other place after they were printed and before they were delivered to the agent of the Returning Officer for purposes of treating them chemically, is baseless. I also hold that the allegations made by the petitioners against the Election Comission in the petition are untrue.

It is significant that the petitioner did not make any enquiry at the Government Central Press, Bangalore to find out whether the ballot papers had at all been removed to some other place. It may be mentioned here that the Government Central Press, Bangalore, a department of the State Government and during the relevant time, the Government in the State of Mysore was being run by the members of Indian National Congress (O) party. It is, therefore, very difficult to accept the case of the petitioner that in collusion with or with the connivance of the Election Commission or with the connivance of the Election Commission that somebody was able to treat these papers chemically.

The petitioner has also not placed before the Court any positive evidence to show that the ballot papers had been taken out of the premises of the Government Central Press by somebody with the object of chemically treating them and replacing them by another set of chemically treated ballot papers.

Neither in the petition nor in the course of the evidence, the petitioner has suggested any motive which must have prompted the Chief Electoral Commissioner to become a party to the alleged act of chemical treatment of ballot papers. Having regard to the status which is assigned to the Election Commission and the security of tenure guaranteed to the Chief Election Commissioner in the Constitution of India, it is very difficult to believe that the Chief Election Commissioner was interested in one political party as against others. It appears that when the petitioner and several others who opposed the Congress (R) party, failed very badly at the election even in places where they were sure of their success and being unable to explain the cause for their failure, were in search of an alibi, the theory that the elections were rigged by resorting to chemical treatment of ballot papers which was the figment of the imagination of a deeply disappointed person with a fertile brain and which was given wide publicity just before the time for filling election petitions was over, was readily adopted by them as a ground to challenge the elections to some successful candidates. It is unfortunate that such grave allegations have been made in these proceedings without due verification. It is significant that the petitioner was not able to furnish any particulars about any of the persons involved in the alleged corrupt practice, but only relied upon the evidence of

some witnesses who have given evidence regarding some peculiar features which they observe in some of the ballot papers at the time of counting. The result of the visual examination of the ballot papers, both used and unused, and the other material which is available in the case totally belie the story that the ballot papers had been chemically treated and lead me to the conclusion that the allegation that certain peculiar features were observed by the witnesses for the petitioner at the time of counting must have been invented as an after thought to suit the theory that the success of the Congress (R) party was on account of the chemical treatment of ballot papers. After giving my anxious consideration to all aspects of this case, I feel that the allegations made against the Election Commission and the officials connected with the election process are wholly unjustified. I fully exonerate the Chief Election Commissioner, the Chief Electoral Officer, the Returning Officers and all other officers who were entrusted with the duties connected with the election of all the charges and other veiled and dimiter suggestions made against them.

I, therefore, hold on Issue No. 1(a) that the petitioner has failed to prove that the rubber stamping on the symbol of 'cow and calf' on large number of ballot papers used in the election had been made by a mechanical process on chemically treated ballot papers and not by voters; and on issue 1(b) that the petitioners has failed to prove that an appreciable percentage of ballot papers were subjected to chemical treatment to be used in the election. Issue No. 1(c), therefore does not survive.

Issue No VII—

The Next issue for consideration is Issue No. VII viz., whether the Election Commission is a necessary party to the election petition. It was contended by Sri S. G. Sundara Swamy, learned counsel for respondent-6, that in view of section 82 of the Representation of People Act it was not open to the petitioner to implead any person other than the candidates as respondents to the petition. On going through Section 82, I feel that the said Section only prescribes that all the contesting candidates should be made parties to an election petition. It does not say that no other person should be made a party to the election petition. When allegations of corrupt practice are made in an election petition against some persons other than a candidate, there is nothing wrong in impleading them as parties even at the stage of the presentation of the petition. It may be mentioned that under section 99 of the Representation of the People Act if the Court trying an election petition wants to hold a person other than a candidate guilty of corrupt practice it has to issue a notice to him and then decide the said question. That only shows that person other than the candidates could be made parties to an election petition. Even if it is to be held that the Election Commission was not a necessary party, I feel that the Election Commission in the circumstances of this case was a proper party, I, therefore, hold on Issue No. VII that respondent 6, Election Commission of India is a proper party though not a necessary party to the petition.

Issues No. VIII(a) and (b)—

The above issue is raised on the basis of the allegation made by the petitioner in paragraph 7 of the petition. The gist of the above allegation is that respondent No. 1 was a resident of Mysore city at the relevant point of time and therefore his name could not have been included in the electoral roll of Sosale which was a village situated in T. Narasipura Taluk within Chamarajanagar Lok Sabha Constituency. The name of respondent-1 appeared at the relevant point of time in the electoral roll of Krishnaraja L.A. Constituency within Mysore Lok Sabha Constituency. The contention of the petitioner therefore was that the statement

in the nomination paper of respondent-1 that the name of respondent-1 appeared at Serial No. 791 in Part 59 of Sosale Village in Bannur Assembly Constituency was wrong and S. M. Siddaiah whose name is found against Serial No. 791 of the electoral roll of Sosale village was a different person altogether and the said entry did not pertain to respondent I at all. It is further stated that respondent-1 and the members of his family were residents of Mysore City and therefore he could not contest as a candidate from Chamarajanagar Lok Sabha Constituency without complying with the mandatory provisions of law. What the petitioner thereby meant was that respondent-1 must have complied with the provisions of Section 33(5) of the Representation of the People Act, 1951 which required a person who was a voter of a place situated outside a particular Constituency should produce along with his nomination paper an extract of the electoral roll in which his name appeared. The said allegation has been denied by respondent-1. Some oral evidence has been adduced by the petitioner through some of the witnesses examined on his behalf to show that respondent-1 was residing in Mysore City. The case of respondent-1 however is that he was residing both at Sosale which was his native place where he had agricultural establishment as well as in Mysore City for purposes of convenience. Exhibit P-12 is the nomination paper presented by respondent-1 on 4-2-1971. In that it is stated that the name of respondent-1 has been entered at Serial No. 791 in Part 59 of the electoral roll for Bannur Assembly Constituency comprised within Chamarajanagar Parliamentary Constituency. Exhibit-C(2) is a certified extract of the electoral rolls of Bannur Legislative Assembly Constituency part 59 (Sosale) in which the name of respondent-1 is at Serial No. 791 in the said electoral roll. The said certified extract is issued by the Assistant Electoral Registration Officer of Bannur Legislative Assembly Constituency. Exhibit P-16 is the printed electoral roll of the year 1966 of Bannur Legislative Assembly Constituency pertaining to Sosale village in which the name of the petitioner is found at Exhibit P-16(a). It appears that in the electoral roll of Sosale village, Bannur L.A. Constituency, prepared in the year 1970 the name of respondent-1 had been omitted and his name had been included in the electoral roll of Krishnaraja L.A. Constituency within Mysore Lok Sabha Constituency, at Serial No. 356. Exhibit P-25 is the printed electoral roll of Krishnaraja L.A. Constituency (Mysore Lok Sabha Constituency). In that Exhibit against Serial No. 356 we find S. Siddaiah, Mariyajahana Siddaiah. Respondent-1's name is S. M. Siddaiah and not S. Siddaiah. Respondent-1 therefore made an application on 11-1-1971 to the Electoral Registration Officer of Krishnaraja L.A. Constituency to correct his name from S. Siddaiah to S. M. Siddaiah and accordingly an order was made for affecting the said correction under section 22 of the Representation of the People Act, 1950. Respondent-1 thereafter applied on 13-1-1971 before the Electoral Registration Officer, Bannur Assembly Constituency as per Exhibit P-2 requesting him to include his name in electoral roll of Sosale village in Bannur Assembly Constituency. On the said application an order was passed as per Exhibit P-6 by the Electoral Registration Officer directing the inclusion of the name of respondent-1 in part 59 of Sosale village, Bannur Assembly Constituency, T. Narasipura Taluk. The said order was passed on 1-2-1971. Accordingly the name of respondent-1 was included in the electoral roll of Sosale village, Bannur L.A. Constituency and a certified extract as per Exhibit C(2) was issued after the name was so included.

The contention of the petitioner is that respondent-1 was a resident of Mysore City and his name could not have been therefore in the electoral roll of Sosale village. Such a contention questioning the correctness or otherwise of an electoral roll cannot be raised as a ground in an election petition. Section 24 of the Representation of the People Act, 1950 provides for an appeal against an order passed by the Electoral Registration Officer under Section 23 and if no appeal is

filed against an order passed by the Electoral Registration Officer under Section 23, the said order becomes final and binding on all concerned. The correctness or otherwise of the order passed under Section 23 of the Representation of the People Act, 1950 cannot be questioned by any other method. On this question we have the decision of the Supreme Court reported in A.I.R. 1971 Supreme Court, 1348 (RAMPAKAVI RAYAPPA BELAGALI v. B. D. JATTI AND OTHERS) in which it is held that Section 100(i)(d)(iv) of the Representation of the People Act, 1951 does not entitle the Court in an election petition to set aside any election on the ground of non-compliance with the provisions of the Representation of the People Act, 1950 or any rules made thereunder and in an election petition the correctness of the electoral roll cannot be gone into. It is also held that the entire scheme of the Act of 1950 and the amplitude of its provisions show that the entries made in an electoral roll of a constituency can only be challenged in accordance with the machinery provided by it and not in any other manner or before any other forum unless the question of violation of the provisions of Constitution is involved, and the question whether the returned candidate was ordinarily resident in the Constituency under section 19(b) of the Representation of the People Act, 1950 during the material period and was entitled to be registered in the electoral roll could not be the subject matter of enquiry except in accordance with the provisions of the Act of 1950. In view of the above observations of the Supreme Court, it is not permissible for the petitioner to question the correctness of the inclusion of the name of respondent-1 in the electoral roll of Sosale village. It was, however, argued on behalf of the petitioner that as soon as respondent-1 gave a petition to the Electoral Registration Officer of Krishnaraja L.A. Constituency for correcting his name from S. Siddaiah to S. M. Siddaiah, he lost his right to make an application under Section 23 of the Representation of the People Act 1950 before the Electoral Registration Officer of Bannur L. A. Constituencies to include his name in the electoral roll of Sosale Village. The explanation of respondent-1 in this behalf is that he wanted his name to be corrected in the electoral roll of Krishnaraja L.A. Constituency to facilitate the inclusion of his name in the electoral roll of Sosale village. Whether that may be, I fail to understand how the right of respondent-1 to get his name included under Section 23 of the Representation of the People Act, 1950 in the electoral roll of Sosale village was lost on account of the application made to the Electoral Registration Officer of Krishnaraja L. A. Constituency to correct his name in the electoral roll of that Constituency. An application for correction of a name in an electoral roll has to be made under Section 22(a) of the Representation of the People Act of 1950 and an application for inclusion has to be made under section 23 of the said Act. In this case, the officer who passed the order under Section 22 is an officer different from the officer who passed the order under Section 23. On a fair construction of Sections 22 and 23 the Representation of the People Act, 1950, it cannot be held that respondent-1 lost his right to seek the inclusion of his name under section 23 in a different electoral roll on account of the application which he made earlier under section 22. Moreover, the order passed by the Electoral Registration Officer of Bannur Constituency as per Exhibit P-6 cannot be held to be a nullity. The said officer had the jurisdiction to pass an order under section 23 and if there was any error in the exercise of his jurisdiction it was liable to be corrected only under section 24 of the Representation of the People Act, 1950. In view of what is stated above, it cannot be said that respondent-1 has contravened section 33(5) of the Representation of the People Act, 1951. The petitioner has not also established his allegation that the name S. M. Siddaiah appearing in the electoral roll of Sosale village relates to a person different from respondent-1. On the other hand, there is enough material in the case to show that it could relate only to respondent-1. I, therefore, hold on issue No. VIII(a) that respondent-1 was qualified to contest the election from Chamarajanagar Constituency and

that the acceptance of the nomination paper of respondent-1 was in order. Consequently, the answer to issue No. VIII(b) is in the negative.

Issue No. XII:

In view of my findings on Issue Nos. I(a), (b) and (c) and VIII(a) and (b) this petition fails and is dismissed.

In view of the baseless allegation made in the petition, I feel that in the circumstances of the case, the Petitioner should be directed to pay by way of costs Rs. 650/- to respondent-1; Rs. 650/- to respondent-6 and Rs. 650/- to respondents 7 to 11, together.

Sd./- E. S. VENKATARAMIAH,
Judge.

7-12-1971.

[No. 82/MY/3/72.]

New Delhi, the 7th July 1972

S.O. 2715.—In pursuance of section 106 of the Representation of the People Act, 1951. (43 of 1951), the Election Commission hereby publishes the Order pronounced on the 7th December, 1971, by the High Court of Mysore at Bangalore in Election Petition No. 4 of 1971.

IN THE HIGH COURT OF MYSORE AT
BANGALORE

Dated the 7th day of December, 1971

BEFORE THE HON'BLE MR. JUSTICE E. S.
VENKATARAMIAH:

ELECTION PETITION NO. 4/1971

Shivamurthyswamy Hiremath,
s/o Seddappayyayswami.

age 47 years. r/o Awandi.

Taluk Koppal, Dist. Raighur—Petitioner.

(By Shri S. C. Javali, Sri C. N. Kamath, Shri R. Venkateswara Rao and Smt. Bharathi R. Rao
• Shri S. B. Chandrashekhar.

Vs.

1. Siddarameshwaraswamy, s/o Basayya, aged about 37 years, r/o Balagaur. Tg. Sindhanur, Dist. Raichur.
2. The Chief Election Commissioner of India, New Delhi.
3. The Chief Electoral Officer, GOM, High Grounds, Bangalore-1.
4. The Returning Officer, Koppal Parliamentary Constituency, Raichur—Respondents.

(By Shri R.M. Patel, Shri V. H. Rao, Shri L. G. Havanur, Sri PGC Chengappa and Smt. Malani Mahishi—for R-1. Sri S. G. Sundararawamy and Sri P. R. Srinivasan for R-2. Sri B. K. Ramachandra Rao, Addl Govt. Advocate for Respts. 3 and 4).

Election petition filed by the petitioner under Section 81 read with Section 100 of the representation of the People Act, 1951 challenging the election of the Respondent No. 1 to the House of the people from the Koppal Parliamentary Constituency in the Mid-term Elections held in the month of March 1971 and seeking an order that (i) the election of the Returned Candidate Respondent No. 1 is void and his election is set aside, the respondent No. 1 is guilty of corrupt practices within the meaning of S. 123 of the R. P. Act, 1951; (ii) this petitioner is declared as having been duly elected; (iii) this petitioner is allowed with costs, and (iv) for such other relief as may be deemed fit and proper under the circumstances of the case.

This Election Petition coming on for trial on 13th, 14th, 15th, 16th, 20th, 21st and 30th days of September, 1972 4th, 5th, 6th, 7th, 11th, 12th, 13th, 14th, 21st, 25th, 26th, 28th days of October 1971, and 2nd, 3rd, 4th, 8th, 9th,

10th, 11th, 15th, 16th, 17th, 18th, 22nd, 23rd, 24th, 29th and 30th days of November 1971 in the presence of Sri S. C. Javali, Sri C. N. Kamath, Sri S. R. Chandrashekhar, Sri R. Venkateswara Rao and Smt. Bharathi R. Rao, Advocates for the Petitioner and Sri R. M. Patil, Sri V. H. Ron, Sri L. G. Havanur, Sri P. G. C. Chengappa and Smt. Malani Mahishi for Respondent No. 1. Sri S. G. Sundararawamy and Sri P. R. Srinivasan, Advocates for Respondent No. 2 and Sri B. K. Ramachandra Rao, A.G.A., for Respondents Nos. 3 and 4, and this Election Petition having stood over for consideration, the Court delivered the following Judgment this 7th day of December, 1971.

JUDGMENT

The petitioner who was a candidate at the election held in the month of March 1971 for Lok Sabha from Koppal Constituency in Mysore State, has filed the above election petition under Section 81 of the Representation of People Act, 1951 (hereinafter referred to as the Act) calling in question the election of respondent-1 to Lok Sabha from the said constituency at the said election. Respondent-2 is the Chief Election Commissioner of India. Respondent-3 is the Chief Electoral Officer in the State of Mysore. Respondent-4 is the Returning Officer of Poppal Lok Sabha Constituency. The grounds urged, among others, in the petition for declaring the election of respondent-1 to Lok Sabha as void were the following:—

- (1) That the election of respondent-1 was void for the reason that votes recorded on spurious and non-genuine ballot papers had been counted in his favour. According to the petitioner at the time of counting of votes it was noticed that the voting marks placed on the election symbol 'calf and cow' which had been assigned to respondent-1 were found in a large number of ballot papers at the same point in all those ballot papers; that the colour of these marks appeared to be brighter than the marks on other ballot papers and somewhat shining. It was urged that the rubber stamping on the symbol 'calf and cow' appeared to have been done in many of the ballot papers more than once and that was a matter of surprise to the petitioner. It was also urged that in a large number of ballot papers no voting marks at all were found anywhere and they were declared as invalid once. The petitioner and his agents did not know the reason for the existence of such features in many of the ballot papers. Thereafter on further consideration by the petitioner, the petitioner felt that the rubber stamping on large number of ballot papers referred to above could not have been made by human hand, but must have been made by a mechanical process. The petitioner also felt that there must have been a preplanned scheme and that some fraud had been committed in order to secure the success of respondent-1. According to the allegations in the petition, the petitioner had reason to believe that certain appreciable percentage of ballot papers which were printed at Bangalore had been removed to Delhi and they were chemically treated at Delhi or that they were altogether removed and replaced by another set of chemically treated papers. It was urged that the object of chemically treating the ballot papers was to see that any voting mark made at the polling station on the symbols other than the symbol 'calf and cow' by the voters should disappear by the time the ballot papers were taken up for counting and that on the symbol 'calf and cow' a certain mark made with mechanical process appearing to be similar to the mark made by the voters in the polling station, which was invisible at the time when the ballot papers were issued to the voters in the polling station, should appear at the time they were taken up for counting. In other words the petitioner's case

on this point was that on account of the chemical treatment of the ballot papers votes which had been validly cast in favour of candidates other than respondent-1 could not be counted in their favour because they had disappeared by the time the ballot papers were taken up for counting and that the appearance of marks which were invisible at the time when the ballot papers were issued at the polling station, was responsible for counting those ballot papers in favour of respondent-1. It was specifically urged that the treatment of ballot papers to achieve the above result could be made by using 15 per cent solution of stabilised Sodium Chlorite (NaCl 102) and by drying the paper at low temperature. When such a paper was stamped after a couple of days of storing with Methyl Violet based stamping ink, the mark would gradually wear out within a period of 24 to 48 hours. Thus, at the end of that period, there would not be any mark at all on such paper. It was also urged that it was possible to make an invisible mark made by using 5 per cent solution of Silver Nitrate (AgNO_3) and 0.2 per cent Indigosolpink I.R. Extra on such paper visible after sometime. It was stated that by using ultra violet light in a dark room, it was possible to detect bleached impressions of rubber stamps and there were other methods by which the fact whether a ballot paper was chemically treated or not could be detected. It was urged that these ballot papers were chemically treated as a part of a preplanned scheme in order to see that candidates belonging to Congress (R) party to which respondent-1 belonged succeeded in the election and in doing so the Election Commission had also colluded or connived. It was, therefore, urged that the election of respondent-1 was liable to be set aside on that account.

- (2) That the amendment of Rule 56 of the Conduct of Election Rules (hereafter referred to as the Rules) as it stands today was done with the object of helping candidates belonging to Congress (R) Party and that the said Rule was *ultra vires*.
- (3) That the allotment of the symbol 'calf and cow' to Congress (R) party amounted to corrupt practice. It was urged that the symbol 'calf and cow' was a religious symbol for a large majority of the Indian population, namely Hindus considered 'cow' as a sacred animal; and
- (4) That respondent-1, in the course of the election propaganda canvassed on communal lines by a systematic appeal to the voters on the basis of caste and religion. A large number of workers who worked on behalf of respondent-1 also canvassed on communal lines. It was, therefore, urged that respondent-1 was guilty of corrupt practice under Section 123(3) of the Act.

Respondent-1 in his written statement denied all the allegations which had been made in the election petition. He pleaded that the ballot papers had not been chemically treated as alleged by the petitioner; that Rule 56 of the Rules was valid and it had been duly framed; that the symbol 'calf and cow' was not a religious symbol; that neither he nor any of his agents or workers appealed to voters on communal lines, and that the Election Commission had not connived or colluded with Congress (R) Party in order to secure the success of the members of that party at the last Lok Sabha elections. It was pleaded that the election petition had not been properly presented and the copy of the same served on respondent-1 had not been duly attested.

Respondent-2 denied in the written statement that the ballot papers had been chemically treated as alleged by the petitioner. He pleaded that he was not in any way a party to the alleged fraud said to have been committed with the object of securing the success of Congress (R) party to which respondent-1 belongs at the Lok Sabha elections. It was pleaded that respondent-2 was not a necessary party.

Similarly respondent-3 and 4 have also denied the allegations in the petition. They have stated that ballot papers were got printed in accordance with the instructions received by them from the Election Commission of India and that the ballot papers were despatched to the Returning Officer immediately after they were so printed. The allegations that an appreciable number of ballot papers were removed from the Printing Press to some other place for the purpose of treating them chemically, was also denied by them. It was also stated that there was neither time nor opportunity to remove the ballot papers to some other place for the purpose of chemical treatment.

On the basis of the aforesaid pleadings, the following issues were framed on August 13, 1971:—

"I(a) Whether the petitioner proves that the rubber stamping on the symbol of 'cow and calf' on a large number of ballot papers used in the election had been made by a mechanical process on chemically treated ballot papers and not voters?

(b) Whether the petitioner proves that an appreciable percentage of ballot papers were subjected to chemical treatment?

(c) Whether the petitioner proves that a corrupt practice has been committed and that the result of the election is materially affected or is otherwise vitiated, in the event of finding on issues I(a) and (b) being in the affirmative?

II(a) Whether the symbol 'cow and calf' is a religious symbol?

(b) Whether the allotment of 'cow and calf' to respondent-1 amounts to corrupt practice in law?

(c) Whether the result of the election is materially affected by such allotment, in the event of such allotment being held as a corrupt practice?

(d) Whether the validity of the election can be called in question in an election petition on the ground referred to in issue II(b) above?]

[Deleted on 9-11-71]

III(a) Whether the validity of amendment of Rule 56 of the Conduct of Election Rules can be called in question in an election petition?

(b) If the validity of amendment of Rule 56 can be called in question in an election petition, whether the amended Rule 56 is *ultra vires*?

(c) If Rule 56 is *ultra vires*, whether the result of the election is materially affected?]

[Deleted on 30-11-71.]

IV(a) Whether respondent-1 appealed to voters in the course of his election campaign on the basis of community, caste and religion?

(b) Whether the petitioner proves any act referred to in issue IV(a) on the part of respondent-1 or any of his agent or agents or by any other person or persons working for him or in furtherance of his prospects at the election?

V. Whether any of the alleged corrupt practices was committed with the connivance or consent or with the knowledge of respondent-1?]

VI(a) Whether the names of any voters were removed from the electoral rolls in violation of the Rules.

(b) Even if it is true, whether such removal can form a ground of attack in an election petition?

(c) Whether the result of the election was materially affected on account of such removal?]

[Deleted on 9-11-71.]

VII. Whether respondent—2 is necessary part to the election petition?

[VIII. Whether the election petition is not properly presented before the Court?

IX. Whether the petition is not maintainable on account of non-attestation of the copy of the election petition furnished to the respondents?

X. What order is to be passed on the election petition?]

[Deleted on 30th November, 1971.]

On November, 9, 1971, the counsel for the petitioner submitted that he would not press the grounds covered by issues II(a) to (d), IV(a) and (b), V and VI(a) to (c) and on November 30, 1971, he submitted that he would not press issues Nos. III(a), (b) and (c). Shri R. M. Patil, the learned counsel for respondent—1 submitted on November 30, 1971, that he would not press the grounds covered by issues VIII and IX. The resulting position is that only issues I(a), (b) and (c), VII and X survive for decision in this case.

Issues I(a), (b) and (c).—These issues relate to the allegation of the petitioner that a substantial number of ballot papers were chemically treated with the object of securing the success of respondent—1. Even though the petition is silent regarding the name of the chemical used and the method of treatment of ballot papers with the chemical, there is an averment that certain experiments said to have been conducted had shown that when a paper was treated with Sodium Chlorite solution it acquired the characteristic of causing disappearance of mark made with ink which was used at the polling station for ink pads at a subsequent stage and making a mark placed with the help of 5 per cent solution of Silver Nitrate (Ag No. 3) which was invisible when the mark was made, visible at a later stage. It is urged that as a result of such chemical treatment and the printing of invisible marks on the symbol 'calf and cow' on about 30 to 35 per cent of the ballot papers, the mark made by voters at the polling station (by voters) with the help of Kores ink or any other ink disappeared and the invisible marks placed on the symbol 'calf and cow' which was the symbol of respondent—1 became visible by the time the ballot papers were taken up for counting. It is pleaded that all those papers which had the mechanically printed marks on the symbol 'calf and cow' were counted as valid votes in favour of respondent—1, and therefore, respondent—1 got about 30 to 35 per cent of the total number of votes even though the voters had not given their votes in his favour.

It may be mentioned here that the date on which the ballot papers were chemically treated, has not been furnished in the petition. Shri E. Venkateswara Rao however submitted that as can be gathered from the allegations made in the petition the case of the petitioner was that the ballot papers were chemically treated sometime after they were printed at the Government Central Press Bangalore, and before they were delivered to the authorised representative of the Returning Officer to be carried to the constituency in question. If that is so it may be taken that the case of the petitioner is that the ballot papers must have been chemically treated sometime between February 12, 1971 and February 19, 1971. The necessary inference which follows from the above allegations is that the ballot papers were treated with a chemical of a specified concentration or quality so that the invisible marks alleged to have been made on the symbol 'calf and cow' which were not visible by the polling date should become visible on March 10, 1971, which was the date of counting and the marks made by the voters on the polling day disappeared by March 10, 1971.

The evidence on this point consists of (i) the oral evidence of some persons who were present at the time of counting; (ii) oral evidence of M.M. Kulkarni (P.W. 2 in Election Petition No. 2 of 1971) and Dr. O.P. Dharmaraj (P.W. 6 in E.P. 2 of 1971) who were examined as experts and whose evidence is treated as common evidence by consent of parties in this case; (iii) the oral evidence of P. I. Jacob (R.W. 2 in E.P. 3 of 1971), K. G. Gowda (R.W. 1 in E.P. 2 of 1971), M. S. Hirannaiah (R.W. 2 in E.P. 2 of 1971), M. A. Arham (R. W. 3 in E. P. 2 of 1971), Allabaksh Imam Hassan (R. W. 4 in E. P. 2 of 1971), M. L. Ramanna (R. W. 5 in E. P. 2 of 1971) (the evidence of all these witnesses is treated by consent of parties as common evidence in this election petition) and G. V. Maligal, R. W. 1 in this case, and the documents marked through these witnesses, and (iv) the result of inspection and scrutiny of certain unused and used ballot papers pertaining to the election in question.

In support of the above issue, on behalf of the petitioner two witnesses have been examined. The petitioner has not entered the witness box.

P. W. 1 is one Swamy Rao, an Advocate practising at Sindhanoor. He was the election agent of the petitioner at the election. His evidence is that he was present at the counting hall when the counting of votes was going on on the 10th, 11th and 12th of March, 1971. The petitioner has appointed fifteen counting agents. This witness was however going round the counting tables and watching the progress of counting, and while doing so, he observed some peculiarities in the ballot papers which were being counted, namely, (1) the marking on the symbol 'calf and cow' which had been assigned to respondent—1 was uniform and had been made with even pressure on majority of ballot papers in which votes had been cast in favour of respondent—1; (2) the said marks were bright; (3) the marking was at the same place on the symbol in all such ballot papers; and (4) those ballot papers were whiter than the other ballot papers. He has stated that he noticed the above features for the first time by about 10-00 or 11-00 a.m. on March 10, 1971, and on the following two dates. The witness is stated to have discussed about these peculiar features with the Returning Officer and the petitioner. He has further stated that most of the ballot papers which had been rejected were blank and contained no voting marks at all. The other ballot papers which did not have the features referred to have were somewhat dim and the marking of votes on those papers was not at the same place in all of them. In cross-examination, this witness has stated that he was practising as an Advocate for fifteen years and he was familiar with the provisions of the Representation of People Act, 1951, and the Rules made thereunder. He knew that spurious ballot papers or ballot papers containing marks made by instruments other than those provided at the polling stations were liable to be rejected. He also stated that he felt suspicious about the ballot papers in which the peculiar features above referred to were found and that he felt that some fraud might have been played and that those ballot papers must be spurious ones. Yet he did not file any written objection nor the petitioner raise any objection before the Returning Officer. Except saying that he discussed about these features with the Returning Officer, he did not raise any formal objection to the ballot papers. According to this witness the Returning Officer appears to have told him that such objections could not be considered by him as he was not the competent authority. It is very difficult to believe the above statement of this witness. It is significant that no reference has been made to the statement of this witness that the matter was raised before the Returning Officer or that he declined to go into or decide the said question, in the election petition.

The next witness is one Gurupadaswamy, P. W. 2. He was counting agent of the petitioner at the last election. His evidence is that he found at the time of the counting of ballot papers that the voting marks on the

symbol 'calf and cow' were very clear and appeared to be marked made not with the help of the seal. He has further stated that the ballot papers which had such marks were whiter than other papers on the front side and on the reverse of the ballot paper, the colour was dim. He states that he brought to the notice of the petitioner the existence of these special features in some of the ballot papers and the matter was discussed. He admits that he did not raise any objection to the validity of these ballot papers even though he felt that some foul play had been committed. The witness admits that he was familiar with the Rules governing the counting of ballot papers and the spurious ballot papers should be rejected by the Counting Officer.

The petitioner has not chosen to enter the witness box and support the allegations made in the petition. The conduct of P. Ws. 1 and 2 in not raising objections in regard to the ballot papers said to be containing spurious marks does not appear to be in conformity with the normal conduct of persons faced with such a situation. It is difficult to believe the evidence of these witness.

The petitioner also relied upon the evidence of M. M. Kulkarni, P.W. 2 in Election Petition 2 of 1971 whose evidence is marked as Exhibit P. 1 in this case and Dr. O. P. Dharwarah, P. W. 6 in election Petition 2 of 1971 whose evidence has also been marked as Exhibit P-2 in this case as expert witnesses. Their evidence has already stated, is treated as common evidence in all the petitions, E.P. 1 to 4 and 6 of 1971. They were examined in support of the above allegation regarding chemical treatment of ballot papers. M. M. Kulkarni is a person who holds a degree in Engineering. Admittedly he does not possess any high qualification in Chemistry. The extent of his knowledge of Chemistry could only be what he might have studied as an allied subject in the school and in the course of his Engineering study. He however claims that he had occasion to study the science of invisible inks while he was serving the British Territorial Army and that he had conducted experiments after the last Lok Sabha Elections on invisible inks. Be that as it may, the question for consideration is what value should be attached to his evidence.

M. M. Kulkarni was the election agent of Naval Tata who contested from one of the Bombay Lok Sabha Constituencies at the last Lok Sabha elections. Naval Tata was defeated in the election. Kulkarni who was disappointed at the result of that election developed suspicion about the ballot papers and started conducting experiments to find out whether it was possible to treat the ballot papers chemically to achieve the desired result. He appears to have given demonstration before the members of the All India Congress (O) who did not fare well at the last Lok Sabha elections. A reading of the deposition of Kulkarni left me with the impression that he was not a disinterested witness. That however is not the real factor which has led me to feel his evidence is of no use to the petitioner, there are however other more weighty reasons to come to that conclusion.

In the course of his evidence he has stated that the methods of detection of the fact whether a particular paper was chemically treated or not were many. One of the methods according to him was that if ultra violet rays were made to fall on a chemically treated papers when it was treated with Sodium Chlorite, the treated paper would appear glowing white in colour with fluorescence and if an untreated paper was seen under ultra violet rays it would have dull blue colour. He further stated that when he conducted experiments on paper with the help of diazo compound he found that the treated paper appeared to be violet in colour whereas the untreated paper appeared white. According to him there were some other methods of detection with the help of intra red rays, X-rays etc. He also stated

that if a treated paper and an untreated paper were immersed in a solvent which would dissolve the particular chemical, the composition of the solvent after such immersion would be different. He stated that a mark made with the help of Korès ink (methyl violet which is being used in ink pads) would disappear if the paper had been treated before such marking with Sodium Chlorite or Sodium Hypochlorite on account of discoloration. The time taken for the mark to disappear, according to the witness, depended on the concentration of the chemical used and the quality of paper which was treated. But to a question put by the court, the witness answered that once a mark made by an invisible ink became visible on a treated paper. It would continue to be visible for an indefinite period unless the paper is again subjected to another chemical treatment. He stated that such a mark would be visible at least for a period of one year. He stated that certain marks which would be invisible to the naked eye would be visible in some cases when they were looked at under ultra violet rays. According to the witness he could differentiate treated papers from untreated papers either by visual inspection or by conducting experiment or with the help of a instrument with which ultra violet rays could be made to fall on paper even without touching the paper. The above evidence was given on September 20, 1971 and the further examination of this witness was postponed to October 5, 1971. I made an order that the Returning Officer should produce before the court the unused ballot papers for purpose of inspection and scrutiny in this case. The unused ballot papers relating to the constituency with which was concerned in this case and five other Lok Sabha Constituencies in Mysore paper is again subjected to another chemical treatment witness was postponed to October 4, 1971. On October State were scrutinised by the witness. Before those ballot papers were scrutinised the witness was asked by the court whether he was in a position to state whether a ballot paper was chemically treated or not if ballot papers printed for the purpose of election in the month of March 1971 were taken out from the box and shown to him. His answer to that question was that it was possible for him to find out either with the ultra violet rays or by some other method and that he was ready on that day with the necessary equipment to examine the ballot papers with the ultra violet rays. On October 7, 1971 after carefully examining about 6085 papers pertaining to Mysore Lok Sabha Constituency (the election from that Constituency is questioned in F.P. No. 6 of 1971) the witness stated that by passing ultra violet rays on a paper it was not possible for him to say whether the paper had been treated with Sodium Chlorite or not. He further stated to find out with the ultra violet rays whether a piece of paper was treated with any chemical or not, it would be necessary to have untreated paper of the same kind and quality. He stated that even when both treated and untreated papers were viewed under ultra violet rays, he could only say whether any paper had been treated or not, but could not say whether it was treated with Sodium Chlorite or not. He further stated that by passing ultra violet rays he could say that the paper had been treated with some chemical and could not say whether the chemical used was a bleaching agent or not. Later on he stated that by passing ultra violet rays on a paper which was treated, he could not say even though he was given the sample of the paper whether the paper had been treated with a particular chemical. This answer of the witness is at variance with his evidence which he gave on September 20, 1971, namely, "method No. 1 when ultra violet rays are made to fall on a chemically treated paper, when it is treated with Sodium Chlorite of the type on which Exhibits P-1 and P-2 are printed the treated paper will appear glowing white in colour with fluorescence. Similarly if ultra violet rays are made to fall on the untreated paper it will have dull blue colour." The witness gave a different version after examining the unused ballot papers because he was not able to say that any of those papers was treated with Sodium Chlorite. As

already stated this witness was a person who was interested in making out a case that in the last Lok Sabha elections in India, the ballot papers that were used had been chemically treated in order to see that the members of Congress (R.) party returned to Lok Sabha in large numbers. The witness further stated at the end of his deposition on October 7, 1971, "that the colour of the paper varies under ultra violet rays from one piece of paper to another piece of paper even when it is taken out from the same stock if there is variation in the deposit on the paper of the chemical used for bleaching purposes in the paper factory." In his deposition on October 12, 1971, the witness stated that he had seen in all about 35,000 unused ballot papers relating to Election Petitions 1 to 6 of 1971 and he could not say without resorting to some other chemical test whether any of them was treated with Sodium Chlorite or any other particular chemical. He had seen hundreds of those ballot papers under ultra violet rays and he was not in a position to say whether any of them had been treated with Sodium Chlorite or not. He further stated that it was not possible to say whether a paper was treated with Sodium Chlorite or not by passing ultra violet rays on it. He further admitted that he did not find any voting mark anywhere on the unused ballot papers under ultra violet rays. The witness also admitted that he had not conducted any experiment so far by which he could regulate the appearance of any invisible mark eighteen hours after the marks were made and he could not do any experiment before the court to obtain that result, and he required at least three months time to conduct such an experiment.

The next witness who has been examined as an expert in this case in P.W.6 in E. P. 2 of 1971 Dr. O. P. Dharmarah. He is a Professor of Chemistry in a college affiliated to the University of Delhi. He has stated that he was a former member of Rashtriya Swayam Sevak Sangh and that on the governing council of his college there are some members belonging to Bharatiya Jan Sangh, some of whose members have filed election petitions in the High Court of Delhi containing similar allegations. I shall however deal with his evidence without reference to the above statement.

This witness was summoned on an application made by the petitioner after the case of the petitioner had been closed and after some of the used ballot papers were inspected and scrutinised by the court. In his deposition he stated that he could not say by merely looking at the ballot papers whether any of them was subjected to chemical treatment. He however stated examining the ballot papers under ultra violet rays that the ballot papers differed in capacity and exhibited different fluorescence of colours. He further admitted that when the paper was manufactured if there was difference in the chemical deposit on the surface of the paper, different portions of the papers would exhibit different colours even when they were taken out from the same roll due to the use of different quantities of sizing agent, binding agent, etc. He stated that in the ballot papers in the five constituencies concerned in E.P. 1 to 4 and 6 of 1971 which he inspected he could not take out any ballot paper by visual examination in which the mark which was originally visible had become invisible because he found in all of them marks put on symbols other than 'calf and cow' were still there. He stated that nobody by mere visual examination of a paper could say that it was chemically treated. Even by looking at the ballot papers under ultra violet rays, he was not in a position to say whether the ballot papers contained mechanically printed marks or the marks were shining. He could than the other. The witness admitted that he was only say whether any particular paper was whiter present at the time when M. M. Kulkarni gave demonstration at Constitution Club New Delhi, about his experiment. He was present at that place for about 20 minutes. He had discussed the matter with M. M. Kulkarni before he came to court to give evidence and he had also read the deposition of M. M. Kulkarni. The witness admitted that if a printed paper was

given to him and he was asked to treat the paper chemically with the object of making an invisible mark visible later on and visible mark disappear at a later stage, he could not off hand say how he should experiment. After examining the ballot papers he stated that none of the ballot papers which he had seen in the court had been subjected to chemical treatment by applying sodium chlorite in liquid form. The witness next stated that a paper treated with sodium chlorite when viewed under ultra violet lamp would emit yellow fluorescence. This statement is inconsistent with the statement of M. M. Kulkarni who on the first day of his examination stated that a paper treated with sodium chlorite would emit glowing white colour under ultra violet rays. This witness however admitted that sodium chlorite was sometimes used by paper manufacturers as bleaching agent. His further evidence was that even when a mark which was visible at the commencement became invisible at a later state, there would be some stain on the paper and it depended upon the nature of chemical used and the nature of the ink used and he did not observe any such stain by visual examination and even under ultra violet rays in any of the ballot papers examined by him. He, however, made it clear in his deposition that he could not say whether any of the ballot papers which he had examined in court had been chemically treated or not. This witness made use of an ultra violet lamp in court while giving evidence. Continuing he said because he found different alignment of the mark between one ballot paper and another ballot paper, he would say that the marks were not made mechanically.

The above witness was approached by the counsel for the petitioner through Balraj Madhok who was a colleague of this witness at Delhi University and who had also filed an election petition with similar allegations before the High Court of Delhi. This witness proceeded to state that a mark made with the help of Kores ink on a chemically treated paper and which disappeared at a later stage could not be detected by looking at the paper under ultra violet rays. This statement is slightly at a variance with the statement of M. M. Kulkarni, namely, "certainly invisible marks to the naked eye become invisible in some cases when looked at them under ultra violet rays." This witness was of the opinion that none of the ballot papers which he inspected in court under ultra violet rays had any mark which was invisible to naked eye but which was visible when it was made. Lastly he stated that to his knowledge it was not possible with the equipment available in India to treat about ten lakhs of ballot papers with sodium chlorite in a period of ten days or less. The above question was asked in the context of the elections petitions which were being tried in this court. He also stated that by the experiments he conducted, he had not been able to regulate the time of appearance of invisible mark, but he had been able to regulate the time of disappearance of a visible mark.

Apparently the information which this witness possesses regarding the possibility of treating a paper chemically with the object of making a visible mark disappear and an invisible mark appear, appears to be of a recent origin. The witness had admitted in the course of his deposition that he attended the demonstration given by M. M. Kulkarni at the Constitutional Club, Delhi, out of curiosity and thereafter he conducted experiments to find out whether a mark placed on a paper would disappear after some time and whether it can be made to appear at a later stage even though it was invisible at the commencement. He has stated that the demonstration which M. M. Kulkarni gave was a surprise to him. If that is the position, then it is very difficult to place much reliance on the evidence of this witness because by his own statement it is clear that prior to his meeting M. M. Kulkarni in the month of March 1971, he had no idea of this branch of Chemistry. I find it difficult to accept the evidence of this witness without reservations.

Even granting that there was a possibility of treating ballot papers chemically as pleaded by the petitioner, the question still remains whether it has been done in this case. The evidence of an expert witness under Section 45 of the Evidence Act is not conclusive and cannot be used as substantive evidence. The court must look for corroboration from the other evidence adduced in the proceeding to assure itself about the correctness or otherwise of the opinion of the expert. The court will have to take into account the various factors that surrounded the transaction which is in dispute and should judge the case on the basis of both external and internal evidence available in the case. The Supreme Court while dealing with evidence of a hand-writing expert observed in *Banu Ram v. Prasanni* (A.I.R. 1950 Supreme Court, 93) as follows:—

"Section 67 of the Indian Evidence Act (1 of 1872) provides *inter alia* that if a document is alleged to be signed by any person the signature must be proved to be in his handwriting. Sections 45 and 47 of the said Act prescribed the method in which such signature can be proved. Under Section 45, the opinion of the hand-writing experts is relevant while under Section 47 the opinion of any person acquainted with the handwriting of the person who is alleged to have signed the document is admissible. The explanation to the section explains when a person can be said to be acquainted with the handwriting of another person. Thus, there can be no doubt as to the manner in which the alleged signature of the appellant could and should have been proved; but even assuming that the signature of the appellant can be legally held to be proved on circumstantial evidence the principle which governs the appreciation of such circumstantial evidence in cases of this kind cannot be ignored. It is only if the court is satisfied that the circumstantial evidence irresistibly leads to the inference that the appellant must have signed the form that the court can legitimately reach such a conclusion. In our opinion, it is impossible to accede to Mr. Doabla's argument that the facts held proved in the High Court inevitably lead to its final conclusion that the appellant had in fact signed the form. It is clear that in reaching this conclusion the High Court did not properly appreciate the fact that there was no legal evidence on the point and that the other facts found by it cannot even reasonably support the case for respondent-1."

Hence, unless there is other reliable evidence in the case which leads to the conclusion that the ballot papers must have been tampered with as suggested by the petitioner, it would not be safe to act merely on the evidence of the experts and come to a conclusion one way or the other on the question under issue. We should also bear in mind that the experts are not always disinterested.

The most important material available in the above question is the result of inspection and scrutiny of ballot papers themselves. On October 5, 1971, I made an order that the Returning Officer should produce before the court the scaled boxes containing unused ballot papers and accordingly they were produced. The counsel for the petitioner was asked to select at random a few packets containing unused ballot papers of different polling stations in the constituency for purpose of scrutiny and inspection. He accordingly selected 4390 ballot papers pertaining to this constituency and after inspection of ballot papers it was noticed that in none of them there was any mark resembling a voting mark on the symbol 'calf and cow'. M. M. Kulkarni one of the experts examined in the case who examined the ballot papers under *ultra violet rays* also was not able to say whether any of them had been chemically treated.

Now, let me explain the usefulness of the examination of the unused ballot papers in determining the truth or otherwise of the allegations made in this petition. It is

admitted that the ballot papers were printed with serial No. 1 upto the serial number of the last voter in the Lok Sabha Constituency. On an average there were about five lakhs of voters in each constituency and the ballot papers which are printed would therefore bear serial No. 1 to 5,00,000 or little more or less depending upon the number of voters in each constituency. It is stated that to each polling station in a constituency approximately about 1,000 voters would be assigned. Thus, ballot papers bearing serial No. 1 to 1,000 would have been assigned to the first polling station; ballot papers bearing serial No. 1,001 to 2,000 would have been assigned to the second polling station; ballot papers bearing serial Nos. 2,001 to 3,000 would have been assigned to polling station No. 3 and so on. It is also not possible to imagine how many voters would exercise their right to vote at each polling station. Hence, if there was a preplanned scheme to see that about 35 per cent of all the ballot papers were chemically treated in such a way that invisible mark on the symbol 'calf and cow' should become visible at a later stage, then amongst the ballot papers which were not used, there must have been some papers in which the invisible marks had become visible. The only way of avoiding this contingency was by seeing only the first few ballot papers assigned to each polling station were chemically treated so that all such papers would be used and there would be no trace of such papers among the unused ballot papers. In fact that was the submission made on behalf of the petitioner. It was argued that the chemically treated ballot papers were among the first three hundred to four hundred papers in each polling station. Then if about 35 per cent of the total number of ballot papers had been so treated as alleged by the petitioner, then amongst the used ballot papers the percentage of treated ballot papers should be nearly 60 to 70 per cent because the average voting in any polling station would be about 60 per cent of the total voters. That however is not the case of the petitioner. Hence I feel that the absence of even a single ballot paper among the unused ballot papers containing the voting mark said to have been mechanically made on the symbol 'calf and cow' is a very strong circumstance against the contention of the petitioner. It is very difficult to accept that it was possible for anybody to see that not even a single ballot paper which was so chemically treated was found in the bundle of unused ballot papers for no one knew how many voters in a given area would go to a polling station on the date of the poll.

I shall now deal with the result of examination of the used ballot papers during the course of the election petition. When the trial of this petition was in progress, the Supreme Court pronounced its judgement in Civil Appeal 1343/71 (*Shashi Bhushan v. Prof. Balraj Mudhol And Others*) and Civil Appeal No. 1473/71 (*Amar Nath Chawla v. Kanwar Lal Gupta And Others*) which had been filed by some successful candidates who were respondents in some election petitions pending on the file of the High Court of Delhi in which similar allegations had been made. Following the said decision, I ordered that the Returning Officer should produce all the used ballot papers including the rejected ballot papers for purpose of inspection and scrutiny before the court and it was accordingly done. The counsel for the petitioner was permitted to select at random certain number of ballot papers from the boxes containing the used ballot papers. Accordingly the counsel for the petitioner selected 900 ballot papers in which votes had been cast in favour of respondent-1 and 550 ballot papers in which votes had been cast in favour of the petitioner and 9 rejected papers. Thereafter, the said ballot papers were scrutinised by the counsel for the parties and by the court. I recorded the result of the visual examination of these ballot papers in a separate proceeding which was drawn up at that time. On the visual examination of those ballot papers I felt that the allegation that a large majority of ballot papers had been chemically treated with the desired object was not true. I found in the ballot papers in which votes had been cast in

favour of respondent-1 the voting marks were sometimes to the left of the symbol 'calf and cow' sometimes to the right of the symbol and sometimes on the symbol itself. Even when the voting marks were on the symbol itself, there were not found at the same position in all the ballot papers. The angle of the arrow marks in the voting marks varied from one ballot paper to the other. In none of the ballot papers in which votes had been cast in favour of petitioner, the voting mark had disappeared or had become dull. An examination of the ballot papers in which votes had been cast in favour of respondent-1 as well as the petitioner showed that the brightness of the mark varied from paper to paper depending upon the quantity of ink present on the instrument provided at the polling station for placing the voting mark. The allegation that in a large majority of ballot papers in which votes had been cast in favour of respondent-1, the voting marks were at the same point in all the ballot papers and were uniform in brightness and the marks were shining, was not substantiated by the result of visual examination of those papers. The ballot papers appeared to be natural in form and none of them appeared to have been chemically treated. In fact that is the opinion of Dr. O. P. Dharmaraj, one of the experts examined in this case. The statement of witnesses, P.Ws. 1 and 2 that certain peculiar features were noticed in a large majority of ballot papers by them at the time of counting was also not substantiated. It is no doubt true that the colour of the paper between one ballot paper and another was slightly dissimilar. That was because the ballot papers were selected at random for purpose of inspection. I am satisfied on the examination of the ballot papers that no further enquiry if this regard is necessary. In the judgement of the Supreme Court in the cases cited above, it was observed that if the court came to the conclusion on an examination of certain number of ballot paper selected at random, that the matter should be further probed into the court might take evidence on the point at issue including the evidence of expert witnesses and thereafter it was open to the court to direct or not to direct a general inspection of the ballot papers. In view of that is stated above, I am of the opinion that no case has been made out to direct a general inspection of the ballot papers.

The other evidence which remains to be considered in this case is the evidence of the witnesses examined on behalf of the respondents. The Deputy Election Commissioner of India, P. I. Jacob has been examined on behalf of the Chief Election Commissioner in this case. He was examined as P.W.2 Ex P.3 of 1971 and by consent of parties his evidence is read as common evidence in E.P.1 to 4 and 6 of 1971. A copy of his deposition is marked as Exhibit R.6 in this case. This witness was in charge of the last Lok Sabha elections. Under Section 19-A of the Representation of People Act 1951 he was authorised to exercise the powers of the Election Commission subject to supervision and control of the Chief Election Commissioner. He has stated that the paper used for printing of ballot papers in Mysore was procured from the Mysore Paper Mills Limited, Bhadravati, pursuant to an order made by the Director General of Supplies and Disposals, India. The colour, size and substance of the paper to be used for printing ballot papers was prescribed by the Election Commission of India. The instructions regarding the printing of ballot papers were issued as per paragraphs 22 and 23 in Chapter II of the Hand Book for Returning Officers (Pages 34 and 35). Exhibit R-5 in E.P. 3 of 1971 is the said book. This witness stated that the instructions had been issued that ballot papers should be printed under maximum security conditions and should be despatched to the various constituencies in closed vans under police escort. He emphatically denied that any of the ballot papers used in any of the Lok Sabha Constituencies which were concerned in E.P. 1 to 4 and

6 of 1971, had been taken out of the press after they were printed and they were chemically treated before they were delivered to the Returning Officers or their authorised agents. He denied that there was any pre-planned scheme to which the Election Commission was a party under which it was intended that respondent-1 who belonged to Congress (R) party should succeed. He also denied that there was any fraud committed with the connivance of the Election Commission in that direction. The witness stated that it was not true to say that the ballot papers used in any constituency had been tampered with or chemically treated or they were replaced by another set of ballot papers which had been chemically treated. It was also denied by this witness that in many of the ballot papers in which votes had been cast in favour of respondent-1 the voting marks had been made with the help of an instrument or mechanical device other than the one provided at the polling station. According to this witness the object of prescribing that the counting of votes should take place on the same day in all the constituencies in India except in West Bengal was to see that the result of the election in any of the constituencies in which poll had taken place did not have any effect on another constituency where poll had not yet taken place. The date of poll in West Bengal was March 10, 1971. Nothing had been brought out in cross-examination of this witness by the counsel for the petitioner to discredit his testimony. He was however questioned about the discovery of certain ballot papers at Chandigarh at a place where the ballot papers should not have been found. He stated that those ballot papers did not relate to the constituency with which we were concerned and that he had investigated into the same and found that certain number of ballot papers which should have been destroyed by the press had not been destroyed, but had been sold as waste paper to the contractors after March 15, 1971 by which time election in India had been over. Similarly he stated that his investigation into another allegation that certain ballot papers were being removed in two railway wagons bound for Madhya Pradesh also revealed that it did not affect the result of the election in any constituency.

The next witness examined on behalf of the respondents is R.W. 1 in E.P. 2 of 1971 who is again a common witness. His deposition is marked as Exhibit R-1 in this case. He is the Assistant Director of Stationery, Government Press, Bangalore. He has stated that the ballot papers which were used at the Last Lok Sabha elections in Mysore State were all printed at Government Central Press, Bangalore. The paper which was used for printing ballot papers were purchased by the Government Central Press from Mysore Paper Mills Ltd., Bhadravathi. He produced Exhibit R-3 in E.P. 2 of 1971 which was the challan under which the paper was supplied by the Mysore Paper Ltd., Bhadravathi. The paper was received on 1st December, 1970 and from out of that stock of paper, certain quantity was released for purposes of printing ballot papers from 10th February, 1971 and 17th February, 1971. Exhibit R-4 and R-10 in E.P. 2 of 1971 are the indents given by the Assistant Director of Printing for supply of paper. In cross-examination he has stated that the Press did not place " " " " specifically for the purpose of Lok Sabha elections held in March 1971. In answer to a question regarding the type of paper that was issued for printing the ballot papers, the witness stated that cream wove paper had been issued. When his attention was drawn to some discrepancy between Exhibit R-4a and R-6a on the one hand and Exhibit R-5a, R-7a, R-8a, R-9a and R-10a, he answered that by mistake instead of cream wove paper it might have been written as white paper in Exhibit R-5a, R-7a, R-8a, R-9a and R-10a. The witness stated that he had not noticed the discrepancy in the description of paper referred to above at the time when the paper was issued for printing. He stated that the entire quantity supplies under Exhibit R-3 was supplied from one stock.

M. S. Hirannaiah, RW-2 in E.P. 2 of 1971 whose deposition is marked as Exhibit R-2 in this case, is the Assistant Director, Government Central Press, Bangalore,

and he was in charge of the printing of ballot papers. He stated that the programme of printing and despatch of ballot papers was settled by the Chief Election Officer in consultation with the Director of Printing as per Ex. R-11 in Exhibit-2 of 1971. The said document is signed by the Under Secretary working under the Chief Electoral Officer. This witness stated that he received instructions regarding the printing of ballot papers from the authorised representatives of the Returning Officers. He printed the ballot papers in accordance with Form No. 7-A (Ex. 12 to 16 in E.P. 2/71) sent by the Returning Officers. After the proof of the ballot papers in respect of each constituency was approved by the concerned authorised representative of the Returning Officer, the ballot papers were printed and after the ballot papers were printed they were numbered serially from No. 1 to last number of the ballot paper printed for the constituency. After the ballot papers were printed and were cut to size, they were being taken to another portion of the Government Printing Press Premises, which was known as 'Election Shed' where the ballot papers used to be kept in sealed boxes. There they were checked, counted and bundled into bundles of 500 each. Exhibit R-17 in E.P. 2 of 1971 is the programme of work of printing of ballot papers which was being maintained by this witness.

The said Exhibit R-17 contains the date on which the ballot papers were despatched and according to this witness till the ballot papers were despatched they used to be at the 'Election Shed'. He has further stated that the printing press where the ballot papers were being printed and the 'Election Shed' where the protection of the Watch and Ward staff of the ballot papers were being kept were under the care of Press and the police officers whose services were secured for the said purpose at the time when the ballot papers were being printed at the Government Central Press. This witness has been cross-examined at length, but I do not find that anything is brought out to discredit the testimony of this witness. Sri R. V. Rao, learned counsel for the petitioner, however argued that this witness had not explained the difference in colour of some of the ballot papers and the use of a bigger type of numerals in some cases to print serial number of the ballot papers than those which were used in the case of other ballot papers. It was open to the petitioner on whom the burden of proof lay in this case to have put the question about them to this witness but he has not done so. It would be unfair to draw any inference against the witness or the respondents without drawing the attention of the witness to these points raised on behalf of the petitioner. The position of the petitioner in an election petition is not that of an accused in a criminal case and it is not open to a petitioner in an election petition to raise some point which is likely to lead to some doubt and to claim the benefit of it and on that basis to seek a declaration that the election is void. In fact the position of the petitioner in election petition is equivalent to the position of the prosecution in a criminal case, the petitioner cannot take advantage of a circumstance of the above kind.

The next witness examined on behalf of the respondent is M. A. Arham, R.W. 3 in E.P. 2 of 1971, who is again a common witness. His evidence is marked as Exhibit R-3 in this case. He was an Under Secretary to the Government of Mysore and was in charge of the election. He was working under the directions of the Chief Electoral Officer at the last Lok Sabha elections. He has stated that he was visiting the Press nearly 4-5 times every day when the ballot papers were being printed and during the time when the ballot papers were in the premises of the Government Press, Bangalore. He was in charge of the supervision of the printing of ballot papers. He was assisted by a Section Officer—R.W. 4 in E.P. 2 of 1971 and M. A. Kalburgi a Senior Assistant. His duty was to see that the ballot papers were printed and despatched well in time through the authorised representatives of the Returning Officers after they were duly checked, scrutinised and bundled at the Government

Central Press. R.W. 4 in E.P. 2 of 1971 is Allabaksh Inam whose evidence is marked as Exhibit R-4 in this case. He was the Section Officer who was assisting M. A. Arham referred to above. His evidence corroborates the evidence of M. A. Arham.

M. L. Ramanna, R.W. 5 in E.P. 2/1971 who is again a common witness and whose evidence is marked as Exhibit R-5 in this case, is the Police Officer who was in charge of security arrangements at the Government Central Press, Bangalore at the time when the ballot papers were being printed for the last Lok Sabha elections. His evidence is that from 12th February, 1971 to 3rd March, 1971 he had made necessary security arrangements. He had posted one Head Constable and 3 constables to be in charge of the security of Government Central Press and they had to be in charge of security of the Press all the 24 hours during that period. No doubt the Police officers used to do their job by turns along with the members of the Watch and Ward Staff of the Government Central Press. He has stated that he was visiting the premises of the Government Central Press occasionally to verify whether the persons who had been entrusted with the duty of looking after the premises of the press were doing their job properly or not.

G. V. Maligi who has been examined as R.W. 1 in this case was the authorised representative of the Returning Officer of Koppal Lok Sabha Constituency in connection with the above election. His evidence is that he came to Bangalore on 12th February, 1971 along with Form No. 7-A in connection with the printing of ballot papers along with two assistants. Later on two more assistants joined him. This witness approved the proof of the ballot papers at the Government Central Press and after the ballot papers were printed he scrutinised each ballot paper before they were bundled and put into dealwood boxes. He took delivery of the ballot papers on 19th February, 1971 and carried them to Koppal under police escort. The witness used to attend the Press between 7 A.M. and 9.30 P.M. during those days i.e. 12th February, 1971 and 19th February, 1971. He stated that the ballot papers after they were printed were not removed to any other place outside the premises of the Press until he took delivery of the same on 19th February, 1971. In Cross-examination, he has stated that according to the programme he had to carry the ballot papers on 18th February, 1971 but he could not do so because he had not scrutinised all the ballot papers by that time. On reading the evidence of this witness and the other witnesses examined on behalf of the respondents as a whole, I am satisfied that adequate arrangements had been made regarding the security of the ballot papers at the Government Central Press and the ballot papers were never removed from the premises of the Government Central Press until they were actually delivered to the authorised representative for the purpose of being carried to the constituencies.

Sri R. V. Rao, learned counsel for the petitioner urged that the Chief Electoral Officer had not produced the sample of the paper used for the printing of ballot papers which had been retained at the Government Central Press, Bangalore, even though he was called upon to do so by the petitioner and, therefore, adverse inference should be drawn against him. In reply to the memo of the petitioner calling upon the Chief Electoral Officer to produce the said sample paper, the Additional Government Advocate had stated that the paper was with the Government Central Press and the petitioner could take steps to summon it. Neither the Director of Government Central Press nor the State of Mysore is a party to this petition and the Government Central Press is not under the control of the Chief Electoral Officer. It was open to the petitioner in these circumstances to have taken steps to summon the said paper from the Government Central Press which he has not done. No adverse inference can therefore, be drawn against the Chief Electoral Officer on this ground.

It was next contended by the counsel for the petitioner that the chemical analysis of the ink that was used at the polling stations for the purpose of making the voting marks on the ballot papers had not been produced by the Election Commission. The petitioner cannot make a grievance of this because he had not asked the Election Commission to produce the same. One other ground urged by Sri R. V. Rao was that the stock Leader of the Government Central Press, Bangalore, had not been produced by the Chief Electoral Officer. As already stated the Chief Electoral Officer could not be called upon to produce any document which was in the custody of the Government Central Press. Hence the petitioner cannot also make grievance of it.

The allegation that many of the ballot papers had been removed from the premises of the Press to some other place after they were printed and before they were delivered to the agent of the Returning Officer for purposes of treating them chemically, is baseless. I also hold that the allegations made by the petitioner against the Election Commission in the petition are untrue.

It is, therefore, very difficult to accept the case of the petitioner that in collusion with or with the connivance of the Election Commission that somebody was able to treat these papers chemically.

The petitioner has also not placed before the Court any positive evidence to show that the ballot papers had been taken out of the premises of the Government Central Press by somebody with the object of chemically treating them and replacing them by another set of chemically treated ballot papers. The petitioner himself has failed to give evidence in support of the case.

Before recording my findings on Issues 1(a), (b) and (c) I propose to refer to one other aspect of the case. Neither in the petition nor in the course of the evidence, the petitioner has suggested any motive which must have prompted the Chief Election Commissioner to become a party to the alleged act of chemical treatment of ballot papers. Having regard to the status which is assigned to the Election Commission and the security of tenure guaranteed to the Chief Election Commissioner in the Constitution of India, it is very difficult to believe that the Chief Election Commissioner was interested in one political party as against others. It appears that when the petitioner and several others who opposed the Congress (R) party failed very badly at the election even in places where they were sure of their success and being unable to explain the reasons for their failure, were in search of an alibi, the theory that the elections were rigged by resorting to chemical treatment of ballot papers which was the figment of the imagination of a deeply disappointed person with a fertile brain and which was given wide publicity just before the time for filing election petitions was over, was readily adopted by them as a ground to challenge the elections of some successful candidates. It is unfortunate that such grave allegations have been made in these proceedings without due verification. It is significant that the petitioner has not furnished any particulars about any of the persons involved in the alleged corrupt practice, but only relied upon the evidence of some witnesses who have given evidence regarding some peculiar features which they observed in some of the ballot papers at the time of counting. The result of visual examination of the ballot papers both used and unused and the other material which is available in the case totally belie the story that the ballot papers had been chemically treated and lead me to the conclusion that the allegation that certain peculiar features were observed by the witnesses for the petitioner at the time of counting must have been invented and after thought to suit the theory that the success of the Congress (R) party was on account of the chemical treatment of ballot papers. After giving my anxious consideration to all aspects of this case I feel that the allegations made against the Election Commission

and the officials connected with the election process are wholly unjustified. I fully exonerate the Chief Election Commissioner, the Chief Electoral Officer, the Returning Officer and all other officers who were entrusted with the duties connected with the election of all the charges and other veiled and sinister suggestions made against them.

I, therefore, hold on Issue No. I (a) that the petitioner has failed to prove that the rubber stamping on the symbol of 'cow and calf' on large number of ballot papers used in the election had been made by a mechanical process on chemically treated ballot papers and not by voters; and on Issue I(b) that the petitioner has failed to prove that an appreciable percentage of ballot papers were subjected to chemical treatment. Issue No. I(c), therefore, does not survive.

Issue No. VII.—The next issue for consideration is issue No. VII viz. whether the Election Commission is a necessary party to the election petition. It was contended by Sri S. G. Sundara Swamy, learned Counsel for Respondent-2 that in view of Section 82 of the Representation of People Act, 1951, it was not open to the petitioner to implead any person other than the candidates as respondents to the petition. On going through Section 82, I feel that the said Section only prescribed that all the contesting candidates should be made parties to an election petition. It does not say that no other person should be made a party to the election petition. When allegations of corrupt practice are made in an election petition against some person other than a candidate, there is nothing wrong in impleading them as parties even at the stage of the presentation of the petition. It may be mentioned that under Section 99 of the Representation of People Act, 1951, if the Court trying an election petition wants to hold a person other than a candidate guilty of corrupt practice it has to issue a notice to him and then decide the said question. That only shows that persons other than the candidates could be made parties to an election petition. Even if it is to be held that the Election Commission was not a necessary party, I feel that the Election Commission in the circumstances of this case was a proper party. I, therefore hold on Issue No. VII that Respondent-2, Election Commission of India is a proper party though not a necessary party to the petition.

Issue No. X.—In view of my findings on Issue Nos. I(a), (b) and (c), this petition fails and is dismissed.

In view of the baseless allegations made in the petition I feel that in the circumstances of the case the petitioner should be directed to pay by way of costs Rs. 650/- to Respondent-1; Rs. 650/- to Respondent-2 and Rs. 650/- to Respondent 3 and 4, together.

(Sd.) E. S. VENKATARAMIAH,

Judge.

7-12-1971

[No. 82/MY/4/72.]

New Delhi, the 10th July 1972

S.O. 2716.—In exercise of the powers conferred by sub-section (1) of section 13A of the Representation of the People Act, 1950, the Election Commission in consultation with the Government of Bihar, hereby nominates Shri U. N. Rai, Special Secretary, Cabinet Secretariat and Co-ordination Department, Government of Bihar, as the Chief Electoral Officer for the State of Bihar, with effect from the 4th July, 1972 and until further orders vice Shri Sachidanand Sinha.

[No. 154/BR/72.]

नई दिल्ली, 10 जुलाई, 1972

प्रमो आरो 2716.—नेक प्रतिनिधित्व अधिनियम, 1950 की धारा 13क की उपचारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते

हुए, निर्वाचन आयोग, बिहार सरकार के परामर्श से, श्री सचिंदानन्द सिन्हा के स्थान पर श्री यू. एन. राय, विशेष सचिव, मंत्रिमंडल सचिवालय एवं समन्वय विभाग, बिहार सरकार को 4 जुलाई, 1972 से अगले आदेशों तक बिहार राज्य के लिए मुख्य निर्वाचन आयोग के रूप में प्रतद्वारा नामनिर्देशित करता है।

[सं 154/बिहार/72]

New Delhi, the 22nd July 1972

S.O. 2717.—In exercise of the powers conferred by sub-section (1) of section 22 of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby directs that the following further amendments shall be made in its Notification No. 434/GJ/71, dated the 2nd December, 1971, namely:—

In column 2 of the Table appended to the said Notification against item '9-Ahmedabad' for the existing entries numbered 1, 2, 4, 5 and 7, the entries "City Deputy Collector, Ahmedabad", "Prant Officer, Viramgam Prant, Ahmedabad", "III Special Land Acquisition Officer, Ahmedabad", "Administrator Sardarnagar Township, Sardarnagar, Ahmedabad" and "Assistant Development Commissioner, Ahmedabad", respectively, shall be substituted.

[No. 434/GJ/72.]

नई दिल्ली, 22 जुलाई, 1972

एस० ओ० 2717—लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 22 की उपधारा (1) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए, निर्वाचन आयोग एन्टद्वारा यह निर्देश देता है कि उसकी अधिसूचना सं० 434/गुज/71, तारीख 2 दिसम्बर, 1971 में निम्नलिखित संशोधन और किए जाएँगे, अर्थात्:—

उक्त अधिसूचना में सलग्न सारणी के भरमध 2 में मद "9-अहमदाबाद" के सामने विद्यमान प्रविष्टि सं० 1, 2, 4, 5 और 7, के स्थान पर, क्रमशः "शहर उप कलक्टर, अहमदाबाद", "प्रान्त आपिमर, वीरगमग मान्त, अहमदाबाद", "तृतीय विशेष भूमि अञ्जन आकीमर अहमदाबाद", "प्रणासक, मरदारनगर की दाउनमिप, मरदारनगर, अहमदाबाद" तथा "मटायक विकास आयुक्त, अहमदाबाद", प्रविष्टियां प्रतिस्थापित की जाएँगी।

[सं० 434/गुज/72]

ORDER

New Delhi, the 6th July 1972

S.O. 2718.—Whereas the Election Commission is satisfied that Shri Kanji Bhikhhabhai Dafda, New Thorala Plot, Street No. 4, Rajkot, Gujarat, a contesting candidate for the election held in March, 1971 to the House of the People from 3-Rajkot constituency, has failed to lodge an account of his election expenses in the manner as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notices, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the

said Shri Kanji Bhikhhabhai Dafda to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. GJ-HP/3/71.]

आदेश

नई दिल्ली, 6 जुलाई, 1972

एस० ओ० 2713.—यतः, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1971 को द्वाग लोक सभा के लिए निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री कंजी भीखाभाई दाफदा, न्यू थोरला प्लॉट, स्ट्रीट नं० 4, राजकोट, गुजरात, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदर्थीन बनाए गए नियमोंद्वारा अपेक्षित रीति में अपने निर्वाचन व्यायों का लेखा दाखिल करने में अपकल रहे हैं;

ओर, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस अमफलता के लिए कोई कारण अवश्या स्पष्टीकरण नहीं दिया है; तथा निर्वाचन आयोग का यह भी समाधान दी गया है कि उसके पास इस अमफलता के लिए कोई पर्याप्त कारण या न्यायीचिन्य नहीं है :

यतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एन्टद्वारा उक्त श्री कंजी भीखाभाई दाफदा को संसद के किसी भी सदन के या किसी ग्रज्य की विधान सभा अवश्य विधान परिषद् के मदस्य चुने जाने और होने के लिए, इस आदेश की तारीख से तीन वर्ष को कानावरि के लिए तिर्हंत्र वोयिग करता है।

[सं० गज०-ना० सं०/3/71]

New Delhi, the 26th July 1972

S.O. 2719.—Whereas the Election Commission is satisfied that Shri Kaki Lakshma Reddy resident of Bopparam (V) Post Epoor (Via) Thimmapur Suryapet taluk, a contesting candidate for the general election to the House of the People from 41. Miryalguda constituency, held in March, 1971 has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate even after due notices has not given any reason or explanation for the failure; and the Election Commission is satisfied that he has no good reason or justification for such failure.

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Kaki Lakshma Reddy to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. AP-HP/41/71.]

नई दिल्ली 26 जुलाई, 1972

एस० ओ० 2719.—यतः, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1971 में हुए लोक सभा के निर्वाचन के लिए '41-मियालगुडा निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री काकी लक्ष्मी

रेडी, निवासी बोयाराम (V), पो० ईमुर (वाया) श्रीमानुर, सूर्योदात नानुक, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाएँ गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

ग्रौर, यतः उक्त उम्मीदवार ने, उसे सम्यक सूचनाएँ दिए जाने पर भी, अपनी इस अमफनता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है; तथा निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस अमफनता के लिए कोई पर्याप्त कारण या न्यायीचित्य नहीं है,

अतः अब, उक्त अधिनियम की धारा 10-के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री काकी लक्ष्मा रेडी को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निर्रहित घोषित करता है।

[सं० आ० प्रा०/१५/७१]

New Delhi, the 27th July 1972

S.O. 2720.—Whereas the Election Commission is satisfied that Shri Sivalingana Gowdu, Chinna Thumbalam Post and Village, Adoni taluk (Andhra Pradesh), a contesting candidate for General election to the House of the People from 26-Kurnool constituency, held in 1971 has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notices has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Sivalingana Gowdu be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. AP-HP/26/71.]

नई दिल्ली, 27 जुलाई, 1972

एस० आ० 2720.—यतः, निर्वाचन आयोग का समाधान हो गया है कि 1971 में हुए लोक सभा के लिए निर्वाचन के लिए 26-करनूल निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री मिवालिंगना गाउड़, पो० चिन्ना थुम्बालम, ग्राम अडोनी तालुक (आन्ध्र प्रदेश) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाएँ गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

ग्रौर, यतः, उक्त उम्मीदवार ने उसे सम्यक सूचना दिए जाने पर भी, अपनी इस अमफनता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है; तथा निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस अमफनता के लिए कोई पर्याप्त कारण या न्यायीचित्य नहीं है,

अतः, अब, उक्त अधिनियम की धारा 10-के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री मिवालिंगना गाउड़ को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए, हस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निर्रहित घोषित करता है।

[सं० आ० प्रा०/लो०स०/26/71]

New Delhi, the 3rd August 1972

S.O. 2721.—Whereas Shrimati Puranam Vidyudvalli Sastry resident of 23/375, Fort Road, Machilipatnam, a contesting candidate for general election to the House of the People from 14-Machilipatnam constituency, held in March, 1971, was disqualified by the Election Commission vide its Order No. AP-HP/14/71, dated the 18th April, 1972, under section 10A of the Representation of the People Act, 1951 for the failure to lodge the account of her election expenses in the manner required by the said Act and the Rules made thereunder;

And whereas the said Shrimati Puranam Vidyudvalli Sastry has now submitted a representation to the Election Commission for the removal of the disqualification imposed on her, giving reasons for her failure to lodge the account in the manner required by law and has also since submitted an account duly supported by relevant vouchers;

And whereas the Election Commission is satisfied that Shrimati Puranam Vidyudvalli Sastry had sufficient reasons for such default and that the account of election expenses now submitted by her is in the manner required by law;

Now, therefore, in exercise of the powers conferred by section 11 of the said Act, the Election Commission hereby reduces the period of disqualification imposed on her to the period of disqualification already suffered by her and removes the disqualification for the unexpired period with immediate effect.

[No. AP-HP/14/71.]

By Order,

V. NAGASUBRAMANIAN, Secy.

नई दिल्ली, 3 अगस्त, 1972

एस० आ० 2721.—यतः, लोक सभा के लिए मार्च, 1971 में हुए साधारण निर्वाचन में 14 मछलीपटनम निर्वाचन क्षेत्र से निर्वाचन लड़ने वाली अभ्यर्थी, 23/375, फोर्ट रोड, मछलीपटनम की निवासी श्रीमती पुराणम विद्युदवल्ली शास्त्री लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 10के अधीन निर्वाचन आयोग द्वारा उक्त अधिनियम तथा तद्धीन बनाएँ गए नियमों द्वारा अपेक्षित रीति में अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहने के कारण निर्रहित कर दी गई थी देखिए, उसका आदेश सं० आ० प्रा०-लो० स०/14/71, तारीख 18 अप्रैल, 1972;

ग्रौर यतः, अब उक्त श्रीमती पुराणम विद्युदवल्ली शास्त्री ने अपने निर्वाचन व्ययों का लेखा विधि द्वारा अपेक्षित रीति में दाखिल करने में अपनी असफलता के कारण बनाते हुए उन पर अधिरोपित निर्रहिता को हटाने के लिए निर्वाचन आयोग को एक अभ्यावेदन दिया है और चूंकि मुसंगत वाउचरों द्वारा मम्यक रूप से समर्थित लेखा भी प्रस्तुत कर दिया है;

और यह: , तिर्वाचर आयोग का समाधान हो गया है, फि श्रीमती पुराणम् विधुदवल्ली शास्त्री के पास इस अनिक्रम के लिए पर्याप्त कारण थे और उनके द्वारा अब प्रस्तुत किया गया निर्वचित व्यंयों का लेखा विधि द्वारा घोषित रीति में है;

अतः, अब, उक्त ग्रन्थिनियम को धारा 11 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निर्वाचित आयोग, एवं द्वारा उन पर अधिरोपित निर्हता की कालावधि घटाकर उतनी करता है जितनी वह पहले ही सहत कर चुकी है और अनवसित कालावधि के लिए वह निर्हत तुरन्त हटा देता है।

[मं. अ.० प्रा०-ल०० म०/ 14/ 71]

आदेश से,
वी० नागमुखमयन, सचिव ।

MINISTRY OF PETROLEUM AND CHEMICALS

New Delhi, the 30th August 1972

S.O. 2722.—In exercise of the powers conferred by section 3 of the Commissions of Inquiry Act, 1952 (60 of 1952) and all other powers hereunto enabling, the Central Government hereby directs that in the resolution of the Government of India in the Ministry of Petroleum and Chemicals and Mines and Metals (Department of Petroleum) No. 28(11)/70-OR dated the 22nd August, 1970, as subsequently amended, for paragraph 4, the following paragraph shall be substituted, namely:—

“4. The Commission will submit its report by the 31st day of August, 1973.”

[No. 28(19)/72-OR.]

P. K. DAVE, Addl. Secy.

पैट्रोलियम और रसायन मन्त्रालय

नई दिल्ली, 30 अगस्त, 1972

एस०ओ० 2722.—जांच आयोग अधिनियम, 1952 (1952 का 60) के खण्ड-3 द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए तथा इस सम्बन्ध में (प्रदत्त) समस्त अन्य शक्तियों का समर्थन प्राप्त करते हुए, केन्द्रीय सरकार एवं द्वारा निर्देश देती है कि भारत सरकार के पेट्रोलियम तथा रसायन और खान तथा धातु मन्त्रालय (पेट्रोलियम विभाग) के संकल्प संघरा 28(11) 70-ओ और दिनांक 22 अगस्त, 1970 के, त्रिम्का तत्त्वज्ञात् संशोधन किया गया था, पैराग्राफ 4 के स्थान पर निम्ननिवित पैराग्राफ प्रतिस्थापित किया जायेगा, अर्थात् :—

“4. आयोग आनी रिपोर्ट 31 अगस्त, 1973 तक प्रस्तुत करेगा।”

[संघरा 28 (19)/72-ओ० आर०]

प्रसन्न क० दबे, अवर मचिव ।

MINISTRY OF HOME AFFAIRS

New Delhi, the 4th August 1972

S.O. 2723.—In pursuance of clause (1) of article 239 of the Constitution, the President hereby directs that the Administrators (whether known as the Lieutenant Governor, the Chief Commissioner or the Administrator) of the Union territories of Andaman and Nicobar Islands, Chandigarh, Dadra and Nagar Haveli, Delhi, Goa, Daman and Diu, Laccadive, Minicoy and Amindivi Islands and Pondicherry shall, subject to the control of the President and within their respective territories, exercise the powers and discharge the functions of the appropriate Government under section 401 of the Code of Criminal Procedure, 1898 (5 of 1898) in respect of remission of sentence of imprisonment in connection with the Twenty-fifth Anniversary Celebrations of India's Independence.

[No. F. 2/23/71-GP A. II.]

AMAR SINGH, Dy. Secy.

गृह मंत्रालय

नई दिल्ली, 4 अगस्त, 1972

का० आ० 2723.—राष्ट्रपति, सविधान के अनुच्छेद 239, खण्ड (1) के अनुमान में एतद्वाग निर्देश देने हैं कि अण्डमान और निकोबार द्वीपमण्ड, चण्डीगढ़, दादरा और नाशर हवेनी, दिल्ली, गोवा, दमन और दीव, लकड़ादीव, मिनिकोय और अमीन-दीवी द्वीप मण्ड, और पाण्डिचेरी के मध्य राज्य श्रेणी के प्रग्रामक (जाहे उप राज्यपाल, मुख्य आयुक्त या प्रशासक के नाम से जाते हों) राष्ट्रपति के नियन्त्रणाधीन और अपने-अपने राज्यक्षेत्रों के भीतर, भारत की स्वतन्त्रता के पच्चोंसत्री वार्षिक माराहू के सम्बन्ध में कांवास के दण्डांडे के परिहार के बारे में दण्ड प्रक्रिया संविता, 1898 (1898 का 5) को धारा 401 के अधीन समिक्षा सरकार की शक्तियों का प्रयोग करने हुए और द्वारा द्वारा का निर्वहन करेंगे।

[मं. का० 2/23/71-जी०पी०ए०-II]

अमर सिंह, उप मचिव ।

MINISTRY OF LAW AND JUSTICE

(Department of Justice)

NOTICE

New Delhi, the 27th July 1972

S.O. 2724.—Notice is hereby given by the Competent Authority in pursuance of rule 6 of the Notaries Rules, 1956, that application has been made to the said Authority, under rule 4 of the said Rules, by Shri K. J. Khambata, Advocate, Rajab Mahal, 144, Queen's Road, Bombay-20 for appointment as a Notary to practise in the whole of India.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. 22/21/72-Jus.]

K. T. THYAGARAJAN,
Competent Authority and Dy. Secy.

विधि और न्याय मंत्रालय

(न्याय विभाग)

नोटिस

नई दिल्ली, 27 जनाई, 1972

एस० ओ० 2724.—इसके द्वारा, नेष्ट प्रमाणक नियम (नोटरीज रूल्स), 1956 के नियम 6 के अनुसार, सक्षम प्राधिकारी द्वारा सूचना दी जाती है कि उक्त प्राधिकारी को श्री के० जे० खम्बाटा, एडवोकेट राजब महल, 144 ब्यौन्स रोड, वर्म्बी-20 ने उक्त नियमों के नियम 4 के अधीन, सारे भारत में नेष्ट प्रमाणक (नोटरी) का काम करने की नियुक्ति के लिये आवेदन-पत्र भेजा है।

उक्त व्यक्ति की नेष्ट प्रमाणक के रूप में नियुक्ति के बारे में याद कोई आपत्तियां हों तो वे इस नोटिस के प्रकाशित होने के चौदह दिन के अन्दर नीचे हस्ताक्षर करने वाले को लिख कर भेज दिये जाय।

[संख्या 22/21/71-न्याय]

के० त्यागराजन,

सक्षम प्राधिकारी तथा उप सचिव।

MINISTRY OF HEALTH AND FAMILY PLANNING
(Department of Health)

New Delhi, the 28th August 1972

S.O. 2725.—The following draft of certain rules further to amend the Drugs and Cosmetics Rules, 1945, which the Central Government proposes to make, after consultation with the Drugs Technical Advisory Board, in exercise of the powers conferred by sections 12 and 33 of the Drugs and Cosmetics Act, 1940 (23 of 1940), is published, as required by the said sections for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration after the expiry of THREE months from the date of publication of this notification in the Official Gazette.

2. Any objection or suggestions which may be received from any person with respect to the said draft before the expiry of the period so specified will be considered by the Central Government.

Draft Rules

1. These rules may be called the Drugs and Cosmetics (Amendment) Rules, 1972.

2. In the Drugs and Cosmetics Rules, 1945:—

(i) after rule 126-A, the following rule shall be inserted namely:—

"126-B Standards for Petroleum Jelly

The standards for Petroleum Jelly, White and Yellow, shall, in addition to complying with the standards set out in the Second Schedule to the Act, be those standards as laid down in Schedule FF (1)".

(ii) after Schedule FF, the following Schedule shall be inserted, namely:—

"SCHEDULE FF (1)

(See Rule 126-B)

ADDITIONAL STANDARDS FOR PETROLEUM JELLY

(i) Kinematic Viscosity . At 93°C, not less than 7.4 centistokes as determined by Method F: 25 of the Indian Standard "Methods of Test for Petroleum and its products" IS : 1448 (Part-I)—1961.

(ii) Consistency . 100 to 275, as determined by Method A-13 of the Indian Standard "Specifications for Petroleum Jelly for Cosmetics Industry", IS : 4887-1968.

(iii) Light Absorption

Extinction of a 1-cm, layer of a 0.1 per cent w/v solution in trimethylpentane, at 290 ml, not greater than 1.0 in case of White Petroleum Jelly, and not greater than 1.5 in case of Yellow Petroleum Jelly.

[No. x-11013/6/72-D.]

RAMESH BAHADUR, Under Secy.

स्वास्थ्य और पर्यावरण नियोजन मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 28 अगस्त, 1972

एस० ओ० 2725.—श्रीष्ठी और प्रसाधन सामग्री नियम, 1945 में और संशोधन करने में लिए कठिपय नियमों का निम्नलिखित प्रारूप, जिसे केन्द्रीय सरकार, श्रीष्ठी और प्रसाधन सामग्री अधिनियम 1940 (1940 का 23) की धारा 12 और 33 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, श्रीष्ठी तकनीकी सलाहकार बोर्ड से परामर्श के पश्चात्, बनाने की प्रस्थापना करती है, सभी ऐसे व्यक्तियों की जिनको इसके द्वारा प्रभावित होना सम्भाव्य है, जानकारी के लिए, उक्त धाराओं की अपेक्षानुसार प्रकाशित किया जाता है और एतद्वारा यह सूचना दी जाती है कि उक्त प्रारूप पर, राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से तीन मास समाप्त होने के पश्चात् विचार किया जाएगा।

2. ऐसे शाक्षेपों, या सुझावों पर, जो उक्त प्रारूप के सम्बन्ध में किसी व्यक्ति से इस प्रकार विनिर्दिष्ट अवधि के समाप्त होने से पहले प्राप्त होंगे, केन्द्रीय सरकार द्वारा विचार किया जाएगा।

प्रारूप नियम

1. इन नियमों का नाम श्रीष्ठी और प्रसाधन सामग्री (संशोधन) नियम, 1972 होगा।

2. श्रीष्ठी और प्रसाधन सामग्री नियम, 1945 में:—

(1) नियम 126-क के पश्चात्, निम्नलिखित नियम

अन्तः स्थापित किया जाएगा, शर्तात्:—

'126-ख पेट्रोलियम जेल्ली के लिए मात्रक

अधिनियम की द्वितीय अनुसूची में उपवर्णित मानकों का अनु-
पालन करने के साथ-साथ, श्वेत और पीत पेट्रो-
लियम जेल्ली के लिए मानक वे मानक होंगे जो
अनुसूची चब (i) में अधिकरित हैं।

(ii) अनुसूची चब के पश्चात, निम्नलिखित अनुसूची
अन्तः स्थापित की जाएगी, अर्थात् :—

“अनुसूची चब (i)

(नियम 126-ब देखिए)

1—पेट्रोलियम जेल्ली के लिए अतिरिक्त मानक

(1) गति श्यानता 93° सेंडीग्रेड पर, जो ऐसे 7.4
सेंडीस्टोक से कम नहीं हैं जैसे भारती
मानक “पेट्रोलियम और उसके
उत्पाद के लिए परीक्षण की पद्धति”
भा० मा० : 1448 (भाग 1)-
1961 की पद्धति पी० : 25 द्वारा
अवधारित किए जाएं।

(2) गादापन 100 से 275 तक, जो भारतीय मानक
“प्रसाधन सामग्री उद्योग के लिए
पेट्रोलियम जेल्ली के लिए विनिर्देश”
भा० मा० 4887-1968 की
पद्धति ए-13 द्वारा अवधारित
किए जाएं।

(3) मन्द अवशोषण 1. सेमी का विलोप, ट्राइमेथिलपेन्टेन
में 0.1 प्रतिशत डॉल्पू/बी घोल
की परत, 290 मि० ली० पर, जो
श्वेत पेट्रोलियम जेल्ली की दशा में
1.0 से गुस्तर न होगी और पीत
पेट्रोलियम जेल्ली की दशा में 1.5
से गुस्तर न होगी।”

[स० फा० एक्स-11013/6/72-डॉ०]

रमेश बहादुर, अवर सचिव।

MINISTRY OF LABOUR AND REHABILITATION

(Department of Labour and Employment)

New Delhi. the 22nd July 1972.

S.O. 2726.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), and in continuation of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 3690 dated the 3rd September, 1971 the Central Government having regard to the location of the factories, namely:—

(1) Kerala State Road Transport Corporation Garage, Quilon District,

- (2) Kerala State Road Transport Corporation Sub-District Garage, Neyyathinkara,
- (3) Kerala State Road Transport, Boat Building Yard, Perumanoor,
- (4) Kerala State Road Transport Corporation, City Garage, Trivandrum.
- (5) Kerala State Road Transport Corporation, Central Works, Pappanamcode, Trivandrum-18.
- (6) Kerala State Road Transport Corporation, District Garage and Workshop, Pulamon, Kattarakkara,
- (7) Kerala State Road Transport Corporation, Central District Garage, Thampanoor, Trivandrum.
- (8) Kerala State Road Transport Corporation, District Garage, Kottayam.

in areas in which the provisions of Chapter IV and V of the said Act are in force, hereby exempts the said factories from the payment of the employee's special contribution leviable under Chapter VA of the said Act for a further period of one year with effect from the 2nd April, 1972 upto and inclusive of the 1st April, 1973.

[No. F. S. 38014/8/71-HL]

श्रम और पुनर्वास मंत्रालय

(श्रम और रोजगार विभाग)

नई दिल्ली, 22 जुलाई, 1972

का० फा० 2726.—कर्मचारी राज्य वीमा अधिनियम,
1948 (1948 का 34) की द्वारा 73व द्वारा प्रदत्त शक्तियों
का प्रयोग करते हुए, तथा भारत सरकार के श्रम, रोजगार और
पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना
सं० का० फा० 3690, तारीख 3 सितम्बर, 1971 के क्रम में
केन्द्रीय सरकार के निम्नलिखित कारबानों को ऐसे क्षेत्र में, जिसमें
उक्त अधिनियम के अध्याय 4 और 5 के उपबंध प्रवृत्त हैं,
अवस्थिति को ध्यान में रखते हुए, उक्त अधिनियम के अध्याय
5क के अधीन उद्धरणीय नियोजक के विशेष अभिदाय के संदर्भ :
से 2 अप्रैल, 1972 से 1 अप्रैल, 1973 तक और को सम्मिलित
फरके 1 वर्ष की और अवधि के लिए एतद्वारा छूट देती है,
अर्थात्:—

- (1) केरल राज्य सङ्कर परिवहन निगम, गेराज किलोमि०
शिला,
- (2) केरल राज्य सङ्कर परिवहन निगम, उपजिला गेराज
नेत्याधिकारा,
- (3) केरल राज्य सङ्कर परिवहन निगम, जल परिवहन
कर्मशाला, पेस्मालूर,
- (4) केरल राज्य सङ्कर परिवहन निगम, नगर गेराज,
तिवेन्द्रम,
- (5) केरल राज्य परिवहन निगम, केन्द्रीय कर्मशाला,
पप्पानामकोह, तिवेन्द्रम-18,
- (6) केरल राज्य सङ्कर परिवहन निगम, जिला गेराज और
कर्मशाला, पुलामोन, कट्टारकारा,

(7) केरल राज्य सड़क परिवहन निगम, केन्द्रीय जिला गोराज, अम्पानूर, किंवद्दम,

(8) केरल राज्य सड़क परिवहन निगम, जिला गोशज, कोट्टायम।

[सं. फा० एस-38014(8)/71-एचआई]

S.O. 2727.—Whereas the Central Government was satisfied that Messrs Rajasthan Rope Works was situated in Naraina area which was a sparse area (that is, an area whose insurable population was less than 500) in the district of Jaipur in the State of Rajasthan;

And, whereas by virtue of its location in a sparse area the aforesaid factory was granted exemption from the payment of employer's special contribution under section 73F of the Employees' State Insurance Act, 1948 (34 of 1948) until enforcement of the provisions of Chapter V of the Act in that area by the Central Government in the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 1421, dated the 12th April, 1967;

And, whereas the Central Government is satisfied that the insurable population of the Naraina area in the district of Jaipur in the State of Rajasthan has now exceeded 500, and it is no longer a sparse area;

Now, therefore, in exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendment in the said notification, namely:—

In the Schedule to the said notification Serial No. 2, and the entry relating thereto shall be omitted.

[No. F. S. 38018/2/72-HI.]

का० आ० 2727.—प्रत: केन्द्रीय सरकार का यह समाधान हो गया था कि मैसरी राजस्थान रोप वर्क्स, राजस्थान राज्य के जयपुर जिले में नारायन क्षेत्र में स्थित क्षेत्र, जो बिखरी हुई आबादी वाला क्षेत्र (प्रथात् ऐसा क्षेत्र जिसकी बीमा योग्य आबादी 500 से कम थी) था;

और, यह: उमकी बिखरी हुई आबादी के क्षेत्र में अवस्थिति के भाग्यार पर केन्द्रीय सरकार के श्रम, रोजगार और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की प्रधिसूचना सं० का० आ० 1421, तारीख 12 अप्रैल, 1967 द्वारा कर्मचारी राज्य बीमा प्रधिनियम, 1948 (1948 का 34) की धारा 73च के अधीन नियोजक के विशेष अभिदाय के संदाय से तब तक के लिए छूट है थी गई थी जब तक कि उस प्रधिनियम के अध्याय 5 के उपबंध उस क्षेत्र में प्रवर्तित नहीं हो जाते।

और, यह: केन्द्रीय सरकार का यह समाधान हो गया है कि राजस्थान राज्य के जयपुर जिले में नारायन क्षेत्र की बीमा योग्य आबादी अब 500 से अब गई है, और वह अब बिखरी हुई आबादी का क्षेत्र नहीं है।

प्रत:, अब, कर्मचारी राज्य बीमा प्रधिनियम, 1948 (1948 का 34) की धारा 73च द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा उक्त प्रधिसूचना में और आगे निम्नलिखित संशोधन करती है, प्रथात्:—

उक्त प्रधिसूचना की अनुसूची में क्रम संख्या 2 और उससे संबंधित प्रविष्टियों को हटा दिया जाएगा।

[सं. फा० एस० 38018(2)/72-एच० आई०]

S.O. 2728—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), and in continuation of the notification of the Government of India in the Ministry of Labour and Rehabilitation (Department of Labour and Employment) No. S.O. 3057 dated the 31st July, 1971 the Central Government having regard to the location of the factory namely, Fertilizer Corporation of India Limited, Nangal Unit, Naya Nangal (Punjab) in an area in which the provisions of Chapters IV and V of the said Act are not in force, hereby exempts the said factory from the payment of the employer's special contribution leviable under Chapter VA of the said Act for a further period of one year with effect from the 21st August, 1972 upto and inclusive of the 20th August, 1973.

[No. F. S. 38017/53/72-HI.]

का० आ० 2728.—कर्मचारी राज्य बीमा प्रधिनियम, 1948 (1948 का 34) की धारा 73च द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की प्रधिसूचना सं० का० आ० 3057 तारीख 31 जुलाई, 1971 के क्रम में केन्द्रीय सरकार कर्मचारी कार्पोरेशन आफ इंडिया लिमिटेड, नंगल पूनिट, नया नंगल (पंजाब) नामक कारखाने की ऐसी क्षेत्र में, जिसमें उक्त प्रधिनियम के अध्याय 4 और 5 के उपबंध प्रवृत्त नहीं हैं, प्रवस्थिति को छान में रखते हुए उक्त कारखाने को उक्त प्रधिनियम के अध्याय 5-क के अधीन उद्ग्रहणीय नियोजक के विशेष अभिदाय के संदाय से 21 अगस्त, 1972 से 20 अगस्त, 1973 तक जिसमें वह विन भी सम्पत्ति है, एक और वर्ष की कालावधि के लिए एतद्वारा छूट देती है।

[सं. फा० एस० 38017(53)/72-एचप्राई]

S.O. 2729.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), and in continuation of the notification of the Government of India in the Ministry of Labour and Rehabilitation, (Department of Labour and Employment) No. S.O. 3367, dated the 18th August, 1971 the Central Government having regard to the location of the factory namely, Government Press, Pondicherry, in an area in which the provisions of Chapter IV and V of the said Act are in force, hereby exempts the said press from the payment of the employer's special contribution leviable under Chapter VA of the said Act for a further period of one year with effect from the 21st July, 1972 upto and inclusive of the 20th July, 1973.

[No. S-38017(50)/72-HI.]

का० आ० 2729.—कर्मचारी राज्य बीमा प्रधिनियम, 1948 (1948 का 34) की धारा 73च द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की प्रधिसूचना सं० का० आ० 3367, तारीख 18 अगस्त, 1971 के क्रम में केन्द्रीय सरकार कारखाना प्रथात् सरकारी मुद्रणालय, पांडिचेरी, के ऐसी क्षेत्र में, जिसमें उक्त प्रधिनियम के अध्याय 4 और 5 के उपबंध प्रवृत्त हैं, की प्रवस्थिति को छान में रखते हुए उक्त मुद्रणालय को उक्त प्रधिनियम के अध्याय 5क के अधीन उद्ग्रहणीय नियोजक के विशेष अभिदाय के संदाय से 21 जुलाई, 1972 से 20 जुलाई,

1973 तक, जिसमें यह दिन भी सम्मिलित है, एक और वर्ष की अवधि के लिए प्रतद्वारा छूट देती है।

[सं. फा० एस० 38017(50)/72-एच आई]

S.O. 2730.—In exercise of the powers conferred by section 87 of the Employees' State Insurance Act, 1948 (34 of 1948) and in continuation of the notification of the Government of India in the Ministry of Labour and Rehabilitation (Department of Labour and Employment) No. S.O. 5300 dated the 4th November, 1971, the Central Government hereby exempts the Gauhati Installation and Patna Installation of the India Oil Corporation Limited from all the provisions of the said Act for a further period of one year with effect from the 28th June, 1972 upto and inclusive of the 27th June, 1973.

[No. F. S. 38017/52/72-HI.]

का० आ० 2730.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 87 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा भारत सरकार के थ्रम, रोजगार और पुनर्वास मन्त्रालय (थ्रम और रोजगार विभाग) की अधिसूचना संख्या का० आ० 5300, तारीख 4 नवम्बर, 1971 के अम में, केन्द्रीय सरकार भारतीय तेल निगम लिमिटेड के गौहाटी संस्थापन और पटना संस्थापन को उक्त अधिनियम के सभी उपबंधों से 28 जून, 1972 से 27 जून, 1973 तक, जिसमें यह दिन भी सम्मिलित है, एक वर्ष की और अवधि के लिए प्रतद्वारा छूट देती है।

[सं. फा० एस० 38017(52)/72-एच० आई०]

S.O. 2731.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), and in continuation of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 3918 dated the 18th September, 1971 the Central Government having regard to the location of the 12 M.G.D. Sewage Treatment Plant, Vasna, Ahmedabad in an area in which the provisions of Chapters IV and V of the said Act are not in force, hereby exempts the said plant from the payment of the employer's special contribution leviable under Chapter VA of the said Act for a further period of one year with effect from the 15th July, 1972 upto and inclusive of the 14th July, 1973.

[No. F. S. 38017/67/72-HI.]

का० आ० 2731.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 73च द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के थ्रम, रोजगार और पुनर्वास मन्त्रालय (थ्रम और रोजगार विभाग) की अधिसूचना सं० का० आ० 3918 तारीख 18 सितम्बर, 1971 के अम में केन्द्रीय सरकार 12 एम० जी० डी० सीवेज ट्रीटमेण्ट प्लांट, वसना अहमदाबाद, के ऐसे क्षेत्रों में, जिसमें उक्त अधिनियम के अध्याय 4 और 5 के उपबन्ध प्रवृत्त नहीं हैं, अवस्थित को ध्यान में रखते हुए उक्त प्लांट को उक्त अधिनियम के अध्याय 5-के के अधीन उद्ग्रहणीय नियोजक के विशेष अभिदाय के संदाय से; 15 जूलाई, 1972 से 14 जूलाई, 1973 (जिसमें यह दिन सम्मिलित है) तक एक वर्ष की और अवधि के लिए प्रतद्वारा छूट देती है।

[सं. फा० एस० 38017(67)/72-एच० आई०]

New Delhi, the 24th July 1972

S.O. 2732.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Shroff's Engineering Private Limited S. No. 635, Kalali Road, Atladra District Baroda have agreed that the provisions of the Employees' Provident Fund and Family Pension Fund Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall come into force on the thirteenth day of April, 1972.

[No. S. 35019(40)/72-PF. II (i).]

तई दिल्ली, 24 जुलाई, 1972

का० आ० 2732.—यह केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स श्रोफ इंजीनियरिंग प्राइवेट लिमिटेड, एस० न० 635, कलाली रोड, आतलाद्रा डिस्ट्रिक्ट, बड़ौदा, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और कुटुम्ब पेंशन निधि अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए।

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को प्रतद्वारा लागू करती है।

यह अधिसूचना 1972 की अप्रैल के तीसवें दिन को प्रवृत्त होगी।

[सं. एस० 35019(40)/72-पी० एफ० 2)(i)]

New Delhi, the 26th September 1972

S.O. 2733.—In exercise of the powers conferred by sub-section (3) o section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 8th day of October, 1972 as the date on which the provisions of Chapter IV (except section 44 and 45 which have already been brought into force) and Chapters V and VI [except sub-section (1) of section 78 and sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Andhra Pradesh, namely:—

“The areas within the village of Padugupadu in Kevvur Taluk, Nellore District”.

[No. S-38013(11)/71-HI-II.]

DALJIT SINGH, Under Secy.

तई दिल्ली, 26 सितम्बर 1972

का० आ० 2733.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार प्रतद्वारा अक्टूबर, 1972 के आठवें दिन को उस तारीख के रूप में नियत करनी है जिसको उक्त अधिनियम के अध्याय 4 (धारा 44 और 45 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) और अध्याय

5 और 6 (धारा 76 की उपधारा (1) और धारा 77, 78, 79 और 81 के मिवाय जो पहले ही प्रवृत्त की जा चुकी हैं) के उपबन्ध आंध्रप्रदेश राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगी, अर्थात् :—

“नेलोर जिले कोबर ताल्लुक में पाइगुपाइ गांव के अन्तर्गत आने वाले क्षेत्र”।

[म०-एम-38013(11)/71-एन आई]

दलजीत मिह, अवर सचिव।

(Department of Labour and Employment)

New Delhi, the 25th September 1972

S.O. 2734.—Whereas Shri M. K. Das has been nominated by the Indian Mining Association under clause (d) of sub-section (1) of section 12 of the Mines Act, 1952 (35 of 1952) in place of Shri L. L. D. Hughes who has resigned;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 12 of the said Act, the Central Government hereby makes the following further amendment in the notification of the Government of India in the Late Ministry of Labour Employment No. S.O. 3933, dated the 22nd December, 1962, namely:

In the said notification, under the heading, ‘Members’, for item (3), the following item shall be substituted, namely:—

“(3) Shri M. K. Das, Bengal Coal Co., Ltd., Girimint colliery, P.O. Charanpur, District Burdwan.

(Nominated by the Indian Mining Association under Clause (d) of section 12 (1)).

[No. V-22012/2/72-MI.]

R. KUNJITHAPADAM, Under Secy.

(श्रम और रोजगार विभाग)

नई दिल्ली, 25 सितम्बर, 1972

का०आ० 2734.—यतः भारतीय खनन संगम ने श्री एल० एल० हर्ष जिन्होंने पद त्याग कर दिया है, के स्थान पर, खान अधिनियम, 1952 (1952 का 35) की धारा 12 की उपधारा (1) के खंड (घ) के अधीन श्री एम० के० दाम को नामनिष्ठित किया है ;

अतः, अब, उक्त अधिनियम, 1952 की धारा 12 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारत सरकार के भूतपूर्व श्रम और रोजगार मंत्रालय की अधिसूचना सं० का० आ० 3933, तारीख 22 दिसम्बर,

1962 में निम्नलिखित और आगे मंगोधन प्रतद्वारा करती है, अर्थात् :—

उक्त अधिसूचना में, “सदस्य” शीर्षक के अन्तर्गत, मद (3) के स्थान पर निम्नलिखित रखा जाएगा, अर्थात् :—

“(3) श्री एम० के० दाम, बंगाल कोल कं, लि०, गिरिमिट कोलियरी, डाकघर चरणपुर, जिला बर्द्दवान”।

(धारा 12 (1) के खंड (घ) के अधीन भारतीय खनन संगम द्वारा नामनिष्ठित)।

[सं० वी-22012/2/72-एम I]

आर० कुंजीथापदम, अवर सचिव।

(Department of Labour and Employment)

New Delhi, the 27th September 1972

S.O. 2735.—The following draft of a Scheme further to amend the Visakhapatnam Dock Workers (Regulation of Employment) Scheme, 1959 which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), is published as required by the said sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration after the expiry of one month from the date of publication of this notification in the official gazette.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be taken into consideration by the Central Government.

Draft Scheme

1. This Scheme may be called the Visakhapatnam Dock Workers (Regulation of Employment) Amendment Scheme, 1972.

2. In the Visakhapatnam Dock Workers (Regulation of Employment) Scheme, 1959 (hereinafter referred to as the said Scheme), in clause 3, after sub-clause (k), the following sub-clause shall be inserted, namely:—

“(kk) “Personnel Officer” means the Personnel Officer appointed by the Board under clause 6.”

3. In clause 6 of the said Scheme in the opening sentence for the words “such officers and servants”, the words “a Personnel Officer and such other Officers and servants” shall be substituted.

4. After clause 12 of the said Scheme, the following clause shall be inserted, namely:—

“12A. *Personnel Officer*.—The personnel officer shall assist the Deputy Chairman generally in the discharge of his duties and shall in particular carry out the functions vested in him under clause 44 of the Scheme.”

5. (a) In clause 44 of the said Scheme (a) for sub-clause (1), the following sub-clause shall be substituted, namely:—

“(1) The Personnel Officer on receipt of information whether on a complaint or otherwise, that a registered employer has failed to carry out the provisions of the Scheme may after investigating the matter,—

(i) give him a warning in writing; or

(ii) where in his opinion, a higher penalty is merited, he shall report the case to the Deputy

Chairman who may then cause such further investigation to be made as he may be deem fit and take any of the following steps as regards, that employer, that is to say, he may—
 (a) censure him and record the censure in his record sheet; or
 (b) subject to the approval of the Board and after one month's notice in writing given to the registered employer, inform the Administrative Body that the name of the employer be removed from the employer's register for such period as may be determined by the Board or permanently in case of a grave offence."

(b) In sub-clause (8) in the Table after item 1 and the entries relating thereto the following item and entries shall be asserted, namely:—

1	2	3
A. Personnel Officer.	Clause 44	Deputy Chairman or Chairman.

6. In clause 48 of the said Scheme, for sub-clause (1), the following sub-clause shall be substituted, namely:—

"(1) (a) A registered employer who is aggrieved by an order of the Personnel Officer under clause 44 (1)(i) may appeal to the Deputy Chairman whose order shall be final;

(b) If a registered employer is aggrieved by an original order of the Deputy Chairman under clause 44(1)(ii) he may appeal to the Chairman. The order of the Chairman in respect of an appeal against an order under clause 44(1)(ii) (a) shall be final. In case of an appeal against an order under clause 44 (1)(ii) (b), the Chairman shall forthwith refer the matter to the Central Government. The Central Government shall make such an order on the appeal as it thinks fit."

[No. V-15011/1/72-P&D.]

(श्रम और रोजगार विभाग)

नई दिल्ली, 27 सितम्बर, 1972

का० आ० 2735.—विशाखापट्टनम डॉक कर्मकार (नियोजन का विनियमन) स्कीम, 1959 में श्री आगे संशोधन करने के लिए एक स्कीम का निम्नलिखित प्रारूप, जिसे केन्द्रीय सरकार डॉक कर्मकार (नियोजन का विनियमन) अधिनियम, 1948 (1948 का 9) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए बनाने की प्रस्थापना करती है, उक्त उपधारा द्वारा यथा अपेक्षित उन सभी व्यक्तियों की सूचना के लिए प्रकाशित किया जाता है जिनका उसके द्वारा प्रभावी होना संभाव्य है; और एतद्वारा सूचना सूचना दी जाती है कि उक्त प्रारूप पर इस अधिसूचना के राजपत्र में प्रकाशन की सारीख से एक मास की समाप्ति पर विचार किया जाएगा।

उक्त प्रारूप के बारे में जो आक्षेप या सुझाव किसी व्यक्ति से इस प्रकार विनिष्ट अवधि की समाप्ति से पूर्व प्राप्त होंगे उन पर केन्द्रीय सरकार द्वारा विचार किया जाएगा।

प्रारूप स्कीम

1. इम स्कीम का नाम विशाखापट्टनम डॉक कर्मकार (नियोजन का विनियमन) संशोधन स्कीम, 1972 है।

2. विशाखापट्टनम डॉक कर्मकार (नियोजन का विनियमन) स्कीम, 1959 (जिसे इसमें इसके पश्चात् उक्त स्कीम कहा गया है) के खण्ड 3 में, उपखण्ड (ट) के पश्चात् निम्नलिखित उपखण्ड प्रतिस्थापित किया जाएगा, अर्थात्—

'(ट) "कार्मिक अधिकारी" से बोई द्वारा खण्ड 6 के अधीन नियुक्त कार्मिक अधिकारी अभिप्रेत है।'

3. उक्त स्कीम के खण्ड 6 में आरम्भ के वाक्य में "ऐसे अधिकारी तथा सेवक" शब्दों के स्थान पर "एक कार्मिक अधिकारी और ऐसे अन्य अधिकारी तथा सेवक" शब्द प्रतिस्थापित किये जाएंगे।

4. उक्त स्कीम के खण्ड 12 के पश्चात् निम्नलिखित खण्ड अन्तःस्थापित किया जाएगा, अर्थात्:—

"12क कार्मिक अधिकारी" :—कार्मिक अधिकारी उपाध्यक्ष की, उसके कर्तव्यों के निर्भूत में साधारणतः सहायता करेगा तथा विशेषकर उसको स्कीम के खण्ड 44 के अधीन सौंपे गए कुर्तव्यों को कार्यान्वित करेगा।"

5. उक्त स्कीम के खण्ड 44 में:—

(क) उपखण्ड (1) के स्थान पर निम्नलिखित उपखण्ड प्राप्तिकरण किया जाएगा, अर्थात्:—

"(1) कार्मिक अधिकारी इस सूचना, भले ही शिकायत हो या अन्यथा, की प्राप्ति पर की कोई रजिस्ट्रीकूत नियोजक स्कीम के उपबन्धों को कार्यान्वित करने में विफल रहा है, मामले के अन्वेषण के पश्चात् :—

(i) उसकी लिखित चेतावनी देगा ; या

(ii) जब उसकी राय में कोई बड़ी शास्ति तात्पर्य हो तो वह उपाध्यक्ष को मामले की सूचना देगा जो ऐसे अन्य अन्वेषण कराएगा जैसे कि उसे उपयुक्त लगे और जहां तक नियोजक का सम्बन्ध है, निम्नलिखित कार्यवाहियों में से कोई करेगा, अर्थात्, वह—

(क) उसकी परिनिष्ठा कर सकेगा और अपने अधिलेखणीट में परिनिष्ठा अभिलिखित कर सकेगा, या

(ब) बोर्ड के अनुमोदन के अध्यधीन तथा रजिस्ट्रीकूत नियोजक को लिखित एक-मास का नोटिस देने के पश्चात् प्रशासकीय निकाय को सूचना देगा कि नियोजक का नाम नियोजकों के रजिस्टर से, जैसा कि उतनी प्रदधि के लिए जितनी बोर्ड द्वारा अवधारित की जाय या गम्भीर अपराध के मामले में स्थायी रूप में हटा दिया जाय।"

(ख) उपर्युक्त (8) में सारणी में मद और उससे सम्बन्धित प्रविष्टियों के पश्चात् निम्नलिखित पद और प्रविष्टियां अन्तःस्थापित की जाएँगी:—

1

2

3

"क. कार्मिक अधिकारी खण्ड 44 उपाध्यक्ष या अध्यक्ष"

6. उक्त स्कीम के खण्ड 48 में उपर्युक्त (1) के स्थान पर निम्नलिखित उपर्युक्त प्रतिस्थापित किया जाएगा, अर्थात्:—

"(1) (क) कार्मिक अधिकारी के खण्ड 44(1)(i) के अधीन आदेश में व्यक्ति कोई रजिस्ट्रीकूत नियोजक उपाध्यक्ष को अपील कर सकेगा, जिसका आदेश अन्तिम होगा;

(ख) उपाध्यक्ष के खण्ड 44(1)(ii) के अधीन मत आदेश द्वारा व्यक्ति कोई रजिस्ट्रीकूत नियोजक अध्यक्ष को अपील कर सकेगा। खण्ड 44(1)(ii)(क) के अधीन आदेश के खिलाफ अपील के सम्बन्ध में अध्यक्ष का आदेश प्रतिम होगा। खण्ड 44(1)(ii)(ख) के अधीन किसी आदेश के खिलाफ अपील के मामले में अध्यक्ष तुरन्त मामले को केन्द्रीय सरकार को निर्दिष्ट करेगा। केन्द्रीय सरकार अपील पर जैसा उपयुक्त समझे ऐसे आदेश देगी।"

[सं. V-15011/1/72-पी एण्ड डी]

New Delhi, the 30th September, 1972

S.O. 2736.—The following draft of a scheme further to amend the Kandla Dock Workers (Regulation of Employment) Scheme 1969, which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 is published as required by the said sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration after one month from the date of its publication in the official gazette.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be taken into consideration by the Central Government.

Draft Scheme

1. This Scheme may be called the Kandla Dock Workers (Regulation of Employment) Amendment Scheme, 1972.

2. In clause 32 of the Kandla Dock Workers (Regulation of Employment) Scheme, 1969 (herein after referred to as the said Scheme), in sub-clause (3) for the existing Explanation the following Explanation shall be substituted, namely:—

"Explanation—In this clause, a 'day' shall mean one or more than one shift worked by a worker on any day"

3. In clause 35 of the said Scheme for the sentence "A worker detained for more than 2 hours shall be paid full wages inclusive of dearness allowance", the following sentence shall be substituted, namely:—

"If a worker is detained for more than two hours he shall be entitled to full wages inclusive of dearness allowances subject to the condition that he will continue to be available throughout the shift and will accept such alternative employment as may offered by the Administrative Body."

[No. F. V-17012/3/71 P&D.]

V. SANKARALINGAM, Under Secy.

नईदिल्ली, 30 सितम्बर, 1972

का० आ० 2736:— कांडला डाक कर्मकार (नियोजन की विनियमन) स्कीम, 1969 में और आगे मंशोद्धन करने के लिए निम्नलिखित प्रारूप स्कीम, जिसे केन्द्रीय सरकार, डाक कर्मकार (नियोजन का विनियमन) अधिनियम, 1948 की धारा 4 की उपधारा (1) द्वारा प्रदत्त गतियों का प्रयोग करने द्वारा बनाने के प्रस्थापन बागती है, उक्त उपधारा द्वारा यथाग्राहेत्वत, तदद्वारा संभवतः प्रभावित होने वाले व्यक्तियों की सूचना के लिए एतदद्वारा प्रकाशित की जाती है और एनदीवारा सूचना दी जाती है कि उक्त प्रारूप पर राजकीय राजपत्र में उसके प्रकाशन की तारीख को एक मास पश्चात् विचार किया जाएगा।

इस प्रकार विनिर्दिष्ट तारीख से पूर्व उक्त प्रारूप के बारे में कोई आघोष और सुझाव, जो किमी व्यक्ति से प्राप्त होंगे, उन पर केन्द्रीय सरकार द्वारा विचार किया जायगा।

प्रारूप स्कीम

यह स्कीम कांडला डाक कर्मकार (नियोजन का विनियमन) मंशोद्धन स्कीम, 1972 कहीं जा सकती।

2. कांडला डाक कर्मकार (नियोजक का विनियमन) स्कीम, 1969 (जिसे इसमें इसके पांचात् उक्त स्कीम कहा गया है) के खण्ड 32 में, उपर्युक्त (3) में विद्यमान "स्पष्टीकरण" के स्थान पर निम्नलिखित "स्पष्टीकरण" प्रतिस्थापित किया जाएगा, अर्थात्:—

"स्पष्टीकरण:—इस खण्ड में एक 'दिन' से किसी कर्मकार द्वारा किस दिन एक या एक से अधिक पारी में काम करना अभिप्रेत है।"

3. उक्त स्कीम के खण्ड 35 में, "2 घंटे से अधिक के लिए रोके गए किसी कर्मकार को महंगाई भते सहित पूरी मजदूरी दी जायगी" वाक्य के स्थान पर निम्ननिखित वाक्य प्रतिस्थापित किया जाएगा, अर्थात् :—

"यदि किसी कर्मकार को 2 घंटे से अधिक के लिए रोका जाता है तो वह इस शर्त के अधिक्षीत कि वह पूरी पारी में उपलब्ध रहेगा और प्रशासकीय निकाय द्वारा अनुकूली रोजगार दिए जाने पर उसे करेगा भते महित पूरी मजदूरी का हकदार होगा।

[म० बो-17012/3/71-पी गः३ डॉ]

बी० शकरालिंगम, अव० र सचिव।

(Department of Labour and Employment)

New Delhi, the 27th September 1972

S.O. 2737.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Dhanbad, in the industrial dispute between the employers, in relation to the management of Lakhimata Colliery of Messrs J. K. Gorai and Company, Post Office Chirkunda, District Dhanbad and their workmen, which was received by the Central Government on the 22nd September, 1972.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2), DHANBAD

PRESENT:

Shri Nandagiri Venkata Rao, Presiding Officer.

REFERENCE NO. 33 OF 1971

In the matter of an industrial dispute under S.10(1)(d) of the Industrial Disputes Act, 1947.

PARTIES:

Employers in relation to the management of Lakhimata Colliery of Messrs J. K. Gorai and Company, Post Office Chirkunda, District Dhanbad.

AND

Their workmen.

APPEARANCES:

On behalf of the employers.—Shri S. S. Mukherjee, Advocate.

On behalf of the workmen.—Shri N. Laik, Advocate.

STATE: Bihar.

INDUSTRY: Coal.

Dhanbad, 19th September, 1972

AWARD

The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the management of Lakhimata colliery of Messrs J. K. Gorai and company Post Office, Chirkunda District Dhanbad and their workmen, by its order No. I.2012(5)/71-LRII, dated 20th February, 1971 referred to this Tribunal under Section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the schedule annexed thereto. The schedule is extracted below:

SCHEDULE

"Whether the management of Lakhimata colliery of Messrs J. K. Gorai and company, Post Office

Chirkunda, District Dhanbad was justified in not fixing the wages of Shri B. K. Chandra, Electrical Supervisor in the grade of Rs. 405-20-605-25-730 as per Coal Wage Board Award? If not, to what relief the workman is entitled and from what date?"

2. Workmen as well as the employers filed their statement of demands.

3. B. K. Chandra, the affected workman was appointed as an electrical supervisor of Lakhimata colliery of the employers in March, 1968 on a basic salary of Rs. 350 per month and dearness allowance and bonus in addition. Subsequently he is working also in South Morma colliery belonging to another employer on part time basis as a electrical supervisor on a consolidated monthly pay of Rs. 150. Thus he is working in two collieries. These facts are not in dispute. Now the case of the workmen is that at the time of appointment the affected workman was assured by the management that when the recommendations of the Central Wage Board for the Coal Mining Industry would be implemented in the colliery and when the scales of pay as per the recommendations would be given to the affected workman and that, as such he was entitled to the scale of Rs. 405-20-605-25-730, that the employers have given the scales provided in the wage board recommendations to all the employees from March, 1968 but refused to give the above scale to the affected workman and that, as such he was entitled to the above grade with retrospective effect. It is also pleaded that the affected workman is an active member of the union and that the management had adopted an unfair practice in order to victimise him. The employers denied that they have implemented the wage board recommendations in the colliery or that the affected workman was given any assurance that he would be given the scale of pay as claimed by the workmen. The employers also took legal objections that no dispute was raised with them and that the affected workman was not a "workman" in view of the facts that he was a part time workman in the colliery and he was a supervisor drawing more than Rs. 557/- as salary from both the collieries. The employers denied their knowledge that the affected workman was a member of any union or that he was victimised. The workmen were represented by Shri N. Layak, Advocate and the employers by Shri S. S. Mukherjee, Advocate. On admission by the employers Exts. W. 1 to W. 3 for the workmen and on admission by the workmen, Exts. M1 to M5 for the employers were marked. On behalf of the workmen a witness was examined and Exts. W. 4 and W. 5 were marked. On behalf of the employers also a witness was examined and Exts. M6 and M7 were marked.

4. The claim of the workmen that the affected workman should be given the grade of 405-20-605-25-730 with retrospective effect from March, 1968 is based upon two grounds. Firstly, the employers have implemented the wage board recommendations with effect from March, 1968 and as such the affected workman ought to have been given the grade as recommended by the wage board. Secondly, at the time of his appointment the affected workman was assured that he would be given the grade when the employers implemented the wage board recommendations and gave the grade and scales to other employees of the colliery. The employers have categorically denied that they had implemented the wage board recommendations in the colliery. The wage board recommendations have no statutory effect and as such their implementation is not binding on the employers unless there is a specific agreement or settlement. No such agreement or settlement is either pleaded or proved. M.W. 1 has denied that the wage board recommendations are implemented in the colliery. M.W. 1 has also complained that he is also not paid his salary in accordance with the recommendations. The affected workman, WW. 1 has merely

stated that the wage board recommendations are implemented by the employers in the colliery. Against the pleading of the workmen he deposed that the recommendations were implemented from June or July, 1968. Among the documents, Exts. W. 1 to W. 5 there is none referring even remotely to the implementation of the wage board recommendations. No other workmen of the colliery is examined to prove the implementation. Thus, there is no scope to hold that the employers had either implemented the wage board recommendations or they were bound to implement them. It was pleaded on behalf of the workmen that at the time of his appointment the affected workman was promised that he would be given the grade in dispute when the employers gave the grades due to them as per the wage board recommendations. Even if it is assumed that there was any such assurance given to the affected workman, the employers were not bound to give the disputed grade to the affected workman as long as they did not choose to implement the wage board recommendations and give the due grades to other employees. Regarding this assurance also there is absolutely no evidence. The affected workman, WW. 1 has admitted that he has no written evidence to show that the employers had assured him to give the grade. There is no oral evidence to support his own oral testimony. Thus, both the grounds pleaded by the workmen as basis for the claim should be rejected as not proved. In this view of the matter I need not go into then other legal objection raised by the employers or into the question whether the affected workman was a part time employee of the colliery and if so, he is within the definition of a 'workman' under S.2(s) of the Industrial Disputes Act, 1947. Regarding victimisation also there is no evidence. WW. 1 has conceded that he is only an ordinary member of the union and not even the office bearer. He did not speak even a word about the victimisation.

5. As a result of the above discussion, I find that the management of Lakhimata colliery of Messrs J. K. Gorai and company, Post office Chirkunda, District Dhanbad was justified in not fixing the wages of the affected workman, B. K. Chandra, Electrical Supervisor in the grade of Rs. 405-20-605-25-730 as per the Coal Wage Board recommendations and consequently, he is not entitled to any relief. The award is made accordingly and submitted under Section 15 of the Industrial Disputes Act, 1947.

(Sd.) N. VENKATA RAO,
Presiding Officer,
Central Govt. Industrial Tribunal,
(No. 2), Dhanbad.
[No. L-2012/5/71-LRII.]

S.O. 2738.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following Award of the Central Government Industrial Tribunal, Bombay in respect of a complaint under Section 33-A of the said Act filed by Shri P. C. Kanungo, ex-employee of the Central Bank of India, Bombay, which was received by the Central Government on 22nd September, 1972.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, BOMBAY

COMPLAINT NO. CGIT-3 OF 1969

ARISING OUT OF REF. NO. CGIT-42 OF 1964

PARTIES:

Shri P. C. Kanungo—Complainant

Vs.

The Central Bank of India Ltd., Bombay—Opp.
Party.

Present:

Shri A. T. Zambre, Presiding Officer.

APPEARANCES:

For the complainant.—No appearance.

For the opp. Party.—Shri G. R. Shaikh, Assistant Law Officer.

STATE: Maharashtra.

INDUSTRY: Banking.

Bombay, the 28th August, 1972

AWARD

This is a complaint made by one Shri P. C. Kanungo ex-employee of the Central Bank of India against the management under section 33-A of the Industrial Disputes Act.

2. The complainant was in the employ of the opponent bank and was working as a clerk at their Gorakhpur branch. He has alleged that the bank has by its order dated 8th February 1968 discharged him from service on the findings of one Shri N. C. Adhikari, Internal Auditor. Under the provisions of the Bi-Partite Settlement he had preferred an appeal before Shri N. P. Gheyara the appellate authority but the appeal was dismissed and the applicant's services were terminated but at this time industrial dispute Ref. No. 42/1964 between the management and the employees was pending before this Tribunal. The management has not obtained approval of the Tribunal for terminating the services and has thus contravened the provisions of section 33 of the Industrial Disputes Act. Hence the complaint should be adjudicated and he should be reinstated.

3. The bank has by their written statement denied the allegations and has contended that the complainant was employed in the bank from 1st July 1965 and he was working as a clerk in the Gorakhpur branch. But he had committed misconduct of dishonesty and fraudulently trying to cause loss to the bank and there was a departmental enquiry and he was found to be guilty of that misconduct. His appeal was also dismissed. The bank has further contended that the applicant was taken in employment from 1st July 1965 and he was not a party to the industrial dispute. The industrial dispute referred to was in respect of bonus. The reference was made on 31st March 1964 that is before the appointment of the complainant. He was not a party to the bonus dispute and the provisions of section 33(2) (b) were not applicable and there was no question of obtaining any approval. The complainant was represented by the U.P. Bank Employees Federation from the beginning and the federation had filed the necessary authority.

4. The complaint was pending and had to be adjourned for various reasons. The U.P. Bank Employees Federation has by its pursuance, dated 22nd July 1972 requested that the complaint should be treated as withdrawn. The original complaint has been signed by the applicant and was filed by the General Secretary of the U.P. Bank Employees Federation. The Federation was representing the complainant and as the complainant does not want to prosecute the complaint it shall have to be rejected. It is also clear from the written statement of the management that the applicant was employed from 1st July 1965 and the complainant was not a party to the bonus dispute which was referred for adjudication on 31st March 1964. Section 33 is not also applicable and the complaint is dismissed for want of prosecution.

Hence my award accordingly.

No order as to costs.

This award to be submitted to the Central Government for publication under section 17A of the Industrial Disputes Act.

(Sd.) A. T. ZAMBRE,
Presiding Officer.

Central Govt. Industrial Tribunal, Bombay.

[No. L.12025/36/72/LRIII.]

New Delhi, the 29th September 1972

S.O. 2739.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 or 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the management of North Chirimiri Colliery, Post Office Galahpani, District Surguja (Madhya Pradesh), and their workmen, which was received by the Central Government on the 23rd September, 1972.

CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT,
JABALPUR

Dated the 4th September 1972

PRESENT:

Mr. Justice S. N. Katju, Presiding Officer.

CASE REF. No. CGIT/LC(R) (23) OF 1969

[NOTIFICATION NO. 1/2/69-LRII(1) DATED 26-3-1969]

PARTIES:

Employers in relation to the management of North Chirimiri Colliery of M/s United Collieries Ltd. P.O. Galahpani, Dist. Surguja (M.P.)

Versus

Their workmen represented by Madhya Pradesh Colliery Workers Federation, Chirimiri, P.O., Chirimiri, Dist. Surguja (M.P.).

APPEARANCES:

For Employers—Sri P. S. Nair, Advocate.

For Workmen—Sri Gulab Gupta, Advocate.

INDUSTRY: Coal Mine. DISTT.—Surguja (M.P.)

AWARD

A dispute having been arisen between the employers of the North Chirimiri Colliery, District Surguja and their workmen with regard to the payment and quantum of Variable Dearness Allowance as per recommendations of the Wage Board for Coal Mining Industry with effect from 1st of April 1968, a reference was made to this Tribunal under Section 10(1) (d) of the Industrial Disputes Act, 1947. Now the parties have resolved their dispute by a mutual settlement dated 31st August 1972 which has been duly signed by the representatives of the employers and the workmen and has been duly verified before me. I have perused the terms of the settlement which have been duly arrived at between the parties. In my opinion they are fair and reasonable and have given satisfaction to both the employers as also the workmen. I therefore make my award in terms of the aforesaid settlement which has been arrived at between the parties and which shall form part of this award.

(Sd.) S. N. KATJU,
Presiding Officer.

4-9-1972.

Memorandum of Settlement

PARTIES:

Employers in relation to the Management North Chirimiri Colliery Represented by:

1. Shri Jitendra Kumar, Manager, North Chirimiri Colliery, P.O. Galahpani (Surguja) M.P.

AND

Their workmen represented by Madhya Pradesh Colliery Workers' Federation, Chirimiri through:

1. Shri Gulab Gupta, General Secretary.
2. Shri Sahebjit Singh, President, North Chirimiri Colliery Branch MPCWF, Chirimiri.
3. Shri V. D. Dwivedi, Secretary, North Chirimiri Colliery, Branch, MPCWF Chirimiri.

Short Recital of the Case

By an order dated 26th March 1969 the Government of India vide notification No. 1/2/69-LRII-(i) referred the dispute regarding payment of variable Dearness Allowance as per recommendations of the Wage Board for Coal Mining Industry to the Central Government Industrial Tribunal Jabalpur for adjudication. Subsequently parties entered into mutual settlement dated 3rd December 1969 and agreed thereunder that regarding the period prior to 1st December 1969, the parties would endeavour to narrow down their differences and for the period from 1st October 1969 the rate of V.D.A. will be Rs. 1.29 per day. Now the matter is pending before the Central Government Industrial Tribunal, Jabalpur.

In the meantime, the General Secretary, MPCWF served a strike notice and demanded payment of V.D.A. at a rate of Rs. 2.13 per day w.e.f. 1st April 1972.

The parties met before the Regional Labour Commissioner (C) Jabalpur and discussed the matter in dispute at length in various occasions viz. 10th August 1972 at Chirimiri, on 19, 20 and 30th August 1972 at Jabalpur. Without prejudice to the contentions of either parties stand, and in the interest of Industrial peace and good relations, the parties on 31st August 1972 amicably resolved the matter pertaining to payment of V.D.A. as per recommendations of the wage Board w.e.f. 1st April 1968.

Terms of Settlement

1. The employers have agreed to pay to such workmen who were on the muster rolls between 1st April 1968 to 30th September 1969 the sum of Rs. 33,463.86 (Ruppes thirty three thousand four hundred sixty three and paise eighty six only) as arrears on V.D.A. to be distributed proportionate to the attendances scored in that period, by the respective workmen.

2. The employers also agreed to pay to such workmen who were on muster rolls between 1st August 1971 to 31st May 1972 the sum of Rs. 41,617.62 (Forty one thousand six hundred seventeen and paise sixty two only) as arrears of V.D.A. to be also distributed proportionate to the attendance scored in this period by the respective workmen.

3. It was further agreed that V.D.A. payable per day would be Rs. 2.13 per workman with effect from 1st June 1972.

4. In terms of 3 above the period 1st June 1972 to 31st August 1972 since an amount of Rs. 1.29 ps. per day remains already paid as V.D.A., the balance payable as arrears would only be Re. 0.84 ps. per day per worker on roll during this period.

5. It is agreed that arrears payments as above would be effected within three months after the date of consent Award.

6. It is agreed that the arrears payments will be kept open for a period of three months from the date of commencement of such payments. In case any workman for any reason does not avail of the arrears within the stipulated time the same would be deemed to have been forfeited and the same would be equally divided between the employers and the union for the purposes of welfare activities.

7. It is also agreed that the parties would in future follow the recommendations of the Coal Wage Board with regards to V.D.A. as accepted by the Government.

8. The parties have agreed this to be in full and final settlement of the dispute over V.D.A. or implementation of the wage Board terms.

9. The parties have agreed to bear their own expenses.

10. It is further agreed that with effect from 1st September 1972 since V.D.A. agreed to be paid *viz.* Rs. 2.13 ps. per head per day happens to be in tune with the recommendations of the Wage Board the same shall be started payment through wage Registers straight away from that period.

11. It is agreed that in view of this mutual settlement the parties would jointly pray the Hon'ble Tribunal for passing a consent Award in terms of this settlement.

12. In view of the settlement the Union withdraws the strike notice.

(Sd.) JITENDRA KUMAR.
Verified before me.

(Sd.) GULAB GUPTA.
31-8-72.

(Sd.) S. N. KATJU.
4-9-72.

(Sd.) SAHEBRAJ SINGH.
(Sd.) V. D. DWEVEDI.
[No. 1/2/69-LRII-(i).]

(Sd.) P. S. NAIR.
4-9-72.

(Sd.) GULAB GUPTA.
4-9-72.

Witnesses:—

- (1) (Sd.) Illegible.
2. (Sd.) B. D. KULDEEP.

Part of Award
(Sd.) S. N. Katju,

Jabalpur

Dated 31-8-72

Presiding Officer.

4-9-72.

S.O. 2740.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the North Chirimiri Colliery, Post Office Galahpani, District Surguja (Madhya Pradesh), and their workmen, which was received by the Central Government on 23rd September, 1972.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M.P.)

Dated September 18th, 1972

PRESENT:

Mr. Justice S. N. Katju, —*Presiding Officer.*

CASE REF. No. CGIT/LC(R) (10) OR 1969.

(NOTIFICATION No. 1/2/69-LRII, DATED 12TH MARCH, 1969).

PARTIES:

Employers in relation to the management of New Chirimiri Ponri Hill Colliery, Post Office Chirimiri, District Surguja (M.P.).

Versus

Their workmen represented through the M.P. Colliery Workers Federation, Post Office Chirimiri District Surguja (M.P.).

APPEARANCES:

For employers.—1. Sri P. S. Nair, Advocate.

2. Sri G. Srinivasan, Technical Consultant of the Colliery.

For workmen.—Sri Gulab Gupta, Advocate and General Secretary, Madhya Pradesh Colliery Workers' Federation.

2. Sri Hardeo Singh, President M. P. Koyala Mazdoor Panchayat.

INDUSTRY: Coal Mine.

DISTRICT: Surguja (M.P.).

AWARD

Part II

A reference was made to this Tribunal on 17th March, 1969. The dispute had been raised by the Madhya Pradesh Colliery Workers Federation. The latter was duly represented by Sri Gulab Gupta. It appears that there is a rival Union called, the M. P. Koyala Mazdoor Panchayat. It made an application on 5th July, 1972 praying to be impleaded as a party to this reference. I allowed the application on the distinct understanding that "the applicant will be treated as a party from the stage at which the case had then reached and will not delay proceedings by asking time for filing any written statement or documents. The applicant will only be permitted to raise arguments on the date fixed for hearing." It now appears that the dispute between the management and the workers as represented by the M.P. Colliery Workers Federation has been settled. An application dated 31st August, 1972 has been made by the aforesaid parties for passing an award in terms of the said settlement. The application states that the entire dispute between the parties has been amicably settled out of Court and a copy of the settlement which has been duly signed by the parties is annexed to the application. I have perused the terms of the aforesaid settlement. The representative of the M.P. Koyala Mazdoor Panchayat has challenged the aforesaid settlement. He has argued that the settlement is not fair to the workmen and therefore it should not be accepted. As mentioned above, during all the earlier period of the reference when it was before the Tribunal, the workers were duly represented by the M.P. Colliery Workers Federation and it was only on 5th July, 1972 that the M.P. Koyala Mazdoor Panchayat entered into the arena. There is nothing to indicate as to how the M.P. Colliery Workers Federation is incompetent to come to a fair settlement of the workers dispute with the management. I am not considering the claims of the rival Union for representing the workers. The fact, however, remains that it was the M.P. Colliery Workers Federation which had raised the dispute on behalf of the workmen and it was at their instance that the reference was made to this Tribunal. I am, therefore,

not prepared to accept the objection of the M.P. Koyal Mazdoor Panchayat at this belated stage. I have considered the terms of the settlement and they appear to be fair and reasonable. I make my award in terms of the aforesaid settlement which shall form part of the award. The reference is answered accordingly.

(Sd.) S. N. KATJU,
Presiding Officer.
18-9-72

ANNEXURE

Memorandum of Settlement

PARTIES:

Representing Management.

Shri G. Srinivasan, Technical Consultant, N.C.P.H.
Colliery, Chirimiri.

Representing workmen.

M.P. Colliery Workers' Federation (INTUC),
Chirimiri

1. Shri R. K. Malaviya, President.
2. Shri Gulab Gupta, General Secretary.
3. Shri R. M. Sen, Dy. Gen. Secretary.
4. Shri B. P. Dubey, Secretary.

Short Recital of the Case. . .

On the matter of implementation of the Government accepted and unanimous terms of the Coal Wage Board there was strike in February 1969 sponsored by the M.P. C.W.B. Workers Federation and conciliation agreement dated 27th February, 1969 remains entered into between the parties as a result of which the Government by their Notification No. S.O. 1124 of 12th March, 1969 (Reference No. 1/2/69-LTII of that date) referred the matter of V.D.A. to adjudication by the Central Government Industrial Tribunal at Jabalpur. This Tribunal remained seized with this matter as their Reference CGIT/LC(R) (10)/69.

In the interval, V.D.A. as per Wage Board recommendation rose upto Rs. 2.13 P. per day. To set this the union served another strike notice in July 1972 on the employer as also on other neighbouring collieries. This matter was seized in conciliation proceedings by the Regional Labour Commissioner (C), Jabalpur before whom the parties sat and discussed at length in various occasions *viz.* 10th February, 1972 at Chirimiri, on 19th, 20th and 30th August, 1972 at Jabalpur. Without prejudice to the contention of either parties stand in the interest of industrial peace, the parties, on 31st August, 1972, have mutually agreed to arrive at the following compromise agreement on the terms suggested by the R.L.C.(C) Jabalpur and to jointly pray the Hon'ble Tribunal to pass a consent Award in terms of the settlement.

Terms of Settlement.

1. The employer have agreed to pay to such workmen who were on the muster rolls between 1st April, 1968 to 30th September, 1969 the sum of Rs. 102,198-51P as arrears on V.D.A. to be distributed proportionate to the attendance scored in that period.

2. The employers also agreed to pay to such workmen who were on the muster rolls between 1st August, 1971 to 31st May, 1972 the sum of Rs. 130, 707-04 P. as arrears on V.D.A. to be also distributed proportionate to the attendance scored in this period.

3. It was further agreed that V.D.A. payable per day would be Rs. 2.13 P. per workman with effect from 1st June, 1972.

4. In terms 3 above for the period 1st June, 1972 to 31st August, 1972 since an amount of Rs. 1.29 P. per day remains already paid as V.D.A. the balance payable as arrears would only be Rs. 0.84 P. per day per worker on roll during this period.

5. It is agreed that arrears payments as above would be effected within three months after the date of Consent Award.

6. It is agreed that the arrears payment will be kept open for a period of three months from the date of commencement of such payment. In case any workman for any reason does not avail of the arrears within the stipulated time the same would be deemed to have been forfeited and the same would be equally divided between the employers and the union for the purposes of Welfare activities.

7. It is also agreed that the parties would follow for the future the recommendations of the Coal Wage Board with regard to V.D.A. as accepted by the Government.

8. The parties have agreed this to be in full and final settlement of the dispute over V.D.A. or implementation of the Wage Board terms,

9. The parties have agreed to bear their own expenses.

10. It is further agreed that with effect from 1st September, 1972 since V.D.A. agreed to be paid *viz.* Rs. 2.13 P. per head per day happens to be in tune with the recommendations of the Wage Board the same shall be started payment through Wage Registers straight away from that period.

11. The union has agreed to withdraw their strike notice in view of the settlement.

Part of Award

(Sd.) R. K. MALVIYA,
(Sd.) GULAB GUPTA.
(Sd.) G. SRINIVASAN.

(Sd.) B. M. SEN.
(Sd.) B. P. DUBEY.

(Sd.) S. N. KATJU,
Presiding Officer.
18-9-72.

WITNESSES:

- (1) (Sd.) Illegible.
- (2) (Sd.) Illegible.

[No. 1/2/69-LRII-(ii).]

ORDERS

New Delhi, the 4th September 1972

S.O. 2741.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Balihari Colliery of Messrs Bharat Coking Coal Limited, Post Office Kusunda, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal (No. 2), Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

"Whether the action of the management of Balihari Colliery, Post Office Kusunda, District Dhanbad at present under the management of Messrs Bharat Coking Coal Limited, in stopping Sarvashri Ram Khelawan Bhuiyan, Sudesh Bhuiyan, Kanhaiya Bhuiyan, Triloki Bhuiyan and Tetai Bhuiyan, Surface Trammers from work with effect from the 18th November, 1971, is justified? If not, to what relief are the workmen entitled?"

[No. L/2012/30/72-LRII.]

(अम और रोजगार विभाग)

आदेश

नई विल्नी, 4 सितम्बर, 1972

का०श्रा० 2741.—यतः केन्द्रीय सरकार की राय है कि इससे उपराष्ट्र अनुसूची में विनिर्दिष्ट विधियों के बारे में मैसर्स भारत कोकिंग कोल लिमिटेड की बलीहारी कॉलियरी, डाकघर कुमुन्दा, जिला धनबाद के प्रबन्धतन्त्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक आधीरोगिक विवाद विद्यमान है;

और यतः केन्द्रीय सरकार उक्त विवाद को न्याय निर्णयन के लिए निर्देशित करना बांधनीय समझती है;

अतः अब, आधीरोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (ध) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एन्ड्रडारा उक्त विवाद को उक्त अधिनियम की धारा 7-के अधीन गठित केन्द्रीय सरकार आधीरोगिक अधिकारण, (सं० 1) धनबाद को न्याय निर्णयन के लिए निर्देशित करती है।

अनुसूची

“क्या बलीहारी कॉलियरी, डाकघर कुमुन्दा, जिला धनबाद जो इस समय मैसर्स भारत कोकिंग कोल लिमिटेड के प्रबन्ध के अधीन है, के प्रबन्धतन्त्र को, सर्वथ्री गम-खिलावन भूँड़या, मुद्रेश भूँड़या, कन्हैया भूँड़या, विलोकी भूँड़या और तेतर भूँड़या, मर्फेस ट्रैमरों को 18 नवम्बर, 1971 से काम से रोकने की कार्यवाही न्यायोचित है? यदि नहीं, तो कर्मकार किस अनुत्तराप के हक्कदार हैं?”

[सं० ए८/2012/30/72-ए८० श्रा०-२]

New Delhi, the 29th September 1972

S.O. 2742.—Whereas an industrial dispute exists between the management of East Kumardhuli Colliery of Messrs Shree Shree Lakshmi Narain Bhagwan Trust, Post Office Chirkunda, District Dhanbad, (hereinafter referred to as the said Company) and their workmen represented by the Colliery Mazdoor Sangh (INTUC), Rajendra Path, Post Office Dhanbad, District Dhanbad (hereinafter referred to as the union);

And whereas the said company and the Union have by a written agreement in pursuance of the provisions of sub-section (1) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), agreed to refer the said dispute to arbitration of the persons mentioned therein and a copy of the said arbitration agreement has been forwarded to the Central Government;

Now, therefore, in pursuance of the provision of sub-section (3) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the said arbitration agreement which was received by it on the 14th September, 1972.

Agreement

(Under section 10A of the Industrial Disputes Act, 1947)

BETWEEN

The management of East Kumardhuli Colliery of M/s. Shree Shree Lakshmi Narain Bhagwan Trust, P.O. Chirkunda, District Dhanbad.

AND

The workmen represented by Colliery Mazdoor Sangh (INTUC) Rajendra Path, Post/Disst. Dhanbad.

It is hereby agreed between the parties to refer the following industrial dispute to the arbitration of Shri O. Maheepathi, Chief Industrial Relations and Personnel, Bharat Coking Coal Limited, Vihar Building, P.O. Jharia, District Dhanbad.

“Whether the demand of the Colliery Mazdoor Sangh, Rajendra Path, Dhanbad for employment of the persons mentioned in Annexure “A” annexed hereto in East Kumardhuli Colliery, P.O. Chirkunda, Distt. Dhanbad keeping in view of the settlement dated 4th March, 1972 and 17th May, 1972, between the management of East Kumardhuli Colliery and their workmen represented by Colliery Mazdoor Sangh, Dhanbad is justified. If so, to what relief the concerned persons are entitled?”

The parties to the dispute are as follows:—

- Management of East Kumardhuli Colliery of M/s. Shree Shree Lakshmi Narain Bhagwan Trust, P.O. Chirkunda, Distt. Dhanbad.
- Workmen represented by Colliery Mazdoor Sangh, Rajendra Path, Post/Disst. Dhanbad.

Total number of workmen employed is 350 approximately.

Total number of workmen affected by the dispute is 440 Approx.

We further agree that the decision of the arbitrator shall be binding on us.

The arbitrator shall make his award within a period of six months from the date of signing the agreement or within such further time as is extended by mutual agreement between us in writing. In case the award is not made within the period of aforementioned, the reference to arbitration shall stand automatically cancelled and we shall be free to negotiating for fresh arbitration.

Representing Employers

Representing Workmen
(Sd.) S. P. SINGH,
Secretary,
Colliery Mazdoor Sangh.

2/9/72.

(Sd.) B. P. DABRAL,
2/9/72.Chief Personnel Officer,
East Kumardhuli Colliery.

WITNESSES:—

- (Sd.) Illegible.
2/9/72.
- (Sd.) Illegible.
2/9/72.

Dhanbad, dated the 2nd September, 1972.

ANNEXURE “A”

List of Wagons Loaders

Serial No.	Name	Designation
1.	Birendhi Bhujia	Wagon Loader.
2.	Bunia Bhujia (K)	“
3.	Mahabir Bhujia	“
4.	Rupon Bhujia	“

Serial No.	Name	Designation	Serial No.	Name	Designation
5.	Arjun Bhuria	Wagon loaders	42.	Munshi Singh	General Mazdoor
6.	Janakawa Bhuria (K)	"	43.	Shivnath Mahato	-do-
7.	Banawari Bhuria	"	44.	Gopi Mahato	-do-
8.	Dhanoshwari Bhuria (K)	"	45.	Dasi Pandit	-do-
9.	Fydi Bhuria	"	46.	Khalifa Mahato	-do-
10.	Chito Bhuria	"	47.	Hanif Mian	-do-
11.	Banichar Bhuria	"	48.	Durga Saw	-do-
12.	Jiria Bhuria (K)	"	49.	Sarjung Mahato	-do-
13.	Balia Bhuria (K)	"	50.	Arjun Prasad	-do-
14.	Chaman Ram	"	51.	Barhan Yadav	-do-
15.	Kishun Bhuria	"	52.	Jagdish Singh	-do-
16.	Parmeshwar Dass	"	53.	Bodi Roy	-do-
17.	Sopani Mundin	"	54.	Saharai Urang	-do-
18.	Kameshwar Dass	"	55.	Shivanand Paul	-do-
19.	Kaleshwar Dass	"	56.	Chaitan Roy	-do-
20.	Ram Jatan Singh	"	57.	Gobind Mahato	-do-
21.	Tejo Bhuria	"	58.	Rameshwar Routh-I	-do-
22.	Jothu Bhuria	"	59.	Sidama Routh	Gate Mazdoor
23.	Nuni Dass	"	60.	Janaki Mahato	Bailing Mazdoor
24.	Mohan Bhuria	"	61.	Bhagirath Roy	-do-
25.	Ramjee Mahato	"	62.	Chakro Munda	-do-
26.	Rhula Ray	"	63.	Bhukhan Mahato	Water Mazdoor
27.	Jamuna Dass	"	64.	Lukhar Mahato	-do-
28.	Bheso Dass	"	65.	Thukuri Pandit	-do-
29.	Chetani Bhuria (K)	"	66.	Girjan Ram	-do-
30.	Kishun Yadav	"	67.	Rameshwar Passi	Pump Khalasi.
31.	Ram Narayan Saw	"	68.	Punn Bouri	-do-
32.	Mural Ram	"	69.	Mansha Manjhi	-do-
33.	Bijali Roy	"	70.	Ramdeo Prasad	-do-
34.	Sitaram Bhuria	"	71.	Lakhan Pashi	-do-
35.	Rajendra Thkur	"	72.	Umeshankar Ram	-do-
36.	Rambrish Singh	"	73.	Bikram Dusad	-do-
37.	Sibarati Bhuria (K)	"	74.	Chhotelal Passi	-do-
38.	Jasodi Manjhin (K)	"	75.	Mural Dass	-do-
39.	Firangi Bhuria	"	76.	J. C. Mukherjee	-do-
40.			77.	Phagu Routh	Surface Pump Khalasi.
1.	Ramabatar Lohar	Pick-Sharpener.	78.	P. S. Chowdhury	-do-
2.	Jagoo Lohar	-do-	79.	Moti Dass	-do-
3.	P. K. Ghosh	Latherman	80.	Sovi Mohera	Haulage Khalasi
4.	Narayan Lohar	Asstt. Fitter Maz.	81.	IIari Pandit	-do-
5.	Ganlhari Mistry	-do-	82.	Bhriwaneshwar Singh	-do-
6.	Dilip Singh	Light-Tyndal	83.	Ojha Mohara	-do-
7.	Satyaranayen Mahato	-do-	84.	Nirmal Roy	-do-
8.	Bua Singh	Tyndal	85.	Radhu Mochi	Fireman
9.	Santosh Singh	-do-	86.	Murtan Ram	Sweeper
10.	Niwai Chundra Dan	Canteen Cook	87.	Rora Ram	-do-
11.	Atul Bowri	Brattice Mistry	88.	Draupali Kamin	-do-
12.	Durgacharan Munda	-do-	89.	Achki Kamin	-do-
13.	Lakhiram Manjhi II	Mazdoor	90.	Jogendra Ram	-do-
14.	Moti Roy	-do-	91.	Somrab Urang	Picking Mazdoor
15.	Chandradeo Prasad	-do-	92.	Naria Urang	-do-
16.	Sanaten Ray	Line Mistry	93.	Biga Urang	-do-
17.	Nanit Roy	-do-	94.	Bigna Urang	-do-
18.	Bulhan Mahato	Timber Mistry	95.	Dhani Urang	-do-
19.	Lakhan Singh	-do-	96.	Bijola Urang	-do-
20.	Jiten Saw	-do-	97.	Liba Urang	-do-
21.	Srinath Singh I	-do-	98.	Mabadeo Urang	-do-
22.	Sarin Singh	Timber Mazdoor.	99.	Bimala Bourin	-do-
23.	Jiten Manjhi	-do-	100.	Lakhi Bourin	-do-
24.	Shyam Sunder Lohar	-do-	101.	Moti Bourin	-do-
25.	Kashi Nath Paul	-do-	102.	Sabi Bourin	-do-
26.	Kamal Bouri	-do-	103.	Gouri Roy	-do-
27.	Polli Ray	-do-	104.	Jaba Bourin	-do-
28.	Hari Pada Roy	-do-	105.	Bagola Bourin	-do-
29.	Kishori Singh	Fan Khalasi	106.	Rani Mochin	-do-
30.	Ram Sagar Sao	-do-	107.	Sukhlai Kamin	Creche Kamin
31.	Rishi Bouri	Survey Mazdoor	108.	Dasu Roy	Salicy Lam Cleaner
32.	Haru Bouri	General Mazdoor	109.	Chirkta Manjhi	-do-
33.	Akhi Roy	-do-	110.	Rajendra Singh	-do-
34.	Bhagat Ram	-do-	111.	Ramii Prasad	Bankman Onsetor
35.	Baldeo Tanti	-do-	112.	Dhami Kumhar	-do-
36.	Aihya Singh	-do-	113.	Kameshwar Jadav	-do-
37.	Sukdeo Tanti	-do-	114.	Kapildeo Prasad	-do-
38.	Bijoy Kumar Jhu	-do-	115.	H. L. Patel	Office Clerk
39.	Ramrathau Sao	-do-	116.	Raiyy Ramon Singh	-do-
40.	Ramadhar Ram	-do-	117.	S. K. Jani	Asstt. Storekeeper
41.	Jogu Routh	-do-			

S.I. No.	Name	Designation.	Serial No.	Name	Designation
118.	R. L. Singh . . .	Attendance Clerk	192.	Manohar Ghose . . .	do.
119.	Onkar Singh . . .	-do-	193.	Manohar Rai . . .	do.
120.	Rajendra Jha . . .	-do-	194.	Bhinku Pandit . . .	do.
121.	Radhir Dutta . . .	Lamp Issue Clerk	195.	Ibrahim Mia . . .	do.
122.	J. Silmon . . .	Asstt. L/Room Incharge.	196.	Sarjung Mahato . . .	do.
123.	P.N.S. Thakur . . .	L/Issue Clerk	197.	Prabhu Mandal . . .	do.
124.	B. N. Sharma . . .	Truck Checker	198.	Gina Gope . . .	do.
125.	Pritam Singh . . .	Body Seacher	199.	Bikhari Routh . . .	do.
126.	Hanuman Sharma . . .	-do-	200.	Panchu Pandi . . .	do.
127.	Ramanand Ram . . .	Munshi	201.	Jhnu Bahadur Bhuja . . .	do.
128.	Surajdeo Prasad . . .	-do-	202.	Rajeswar Singh . . .	do.
129.	Huma Manjhi . . .	Stowing Munchi	1	Kishun Bhua . . .	Pick Miner
130.	Munilal Manjhi . . .	Munshi	2	Maran Singh Munda . . .	Do.
131.	Kamala Chakraborty . . .	Creche Nurse.	3	Ghuia Bowri . . .	Do.
132.	A. K. Roy . . .	Compounder	4	Lakan Munda II . . .	Do.
133.	Narayan Mahato . . .	Winding Haulage	5	Chandra Munda I . . .	Do.
		Khalasi	6	Singai Munda . . .	Do.
134.	Mantu Dass . . .	Overman	7	Kitu Munda . . .	Do.
135.	Mathura Singh . . .	-do-	8	Pattar Munda . . .	Do.
136.	R. K. Roy . . .	-do-	9	Sikur Munda I . . .	Do.
137.	Dhakal Roy . . .	Mining Sardar	10	Dibru Munda . . .	Do.
138.	Pn. Roy . . .	-do-	11	Lattein Bhua I . . .	Do.
139.	Mathur Bauri . . .	-do-	12	Faguni Bjua II . . .	Do.
140.	Manan Pandey . . .	-do-	13	Kishun Majhi II . . .	Do.
141.	Ashoke Singh . . .	Office Peon.	14	Chandra Mohan Munde II . . .	Do.
142.	Sarjung Mahato . . .	Magazine Guard	15	Bhagat Rai . . .	Do.
143.	Nandu Singh . . .	Night Guard	16	Pandey Munda . . .	Do.
144.	Deonandan Rai . . .	Chaprasi	17	Badri Bhua . . .	Do.
145.	Burma Singh . . .	Depot Chaprasi	18	Soma Munda . . .	Do.
146.	Arjun Pd. Singh . . .	Chaprasi.	19	Lakan Munda I . . .	Do.
147.	Jaidev Singh . . .	-do-	20	Haru Majhi . . .	Do.
148.	Anirudh Prasad Singh . . .	-do	21	Supal Majhi . . .	Do.
149.	Raghu Mistry . . .	Fitter	22	Lobin Majhi III . . .	Do.
150.	T. Joseph . . .	Electrician	23	Daskand Munda . . .	Do.
151.	Satyadeo Pd. Singh . . .	Ass't. Electrician	24	Jogeshwar Bhua I . . .	Do.
152.	Raj Kumar Prasad . . .	Munshi.	25	Ensush Mia . . .	Do.
152.	"A" Lalu Bnia . . .	Trammer	26	Sanatan Munda . . .	Do.
153.	Jugal Bhua . . .	-do-	27	Sarju Barai . . .	Do.
154.	Monji Bhua . . .	-do-	28	Umrau Bhua . . .	Ro.
155.	Siya Bhua . . .	-do-	29	Jadgish Bhua . . .	Do.
156.	Jugal Bhua II . . .	-do-	30	Uman Mahato . . .	Do.
157.	Bihari Bhua . . .	-do-	31	Chaitan Munda . . .	Do.
158.	Prasadi Bhua II . . .	-do-	32	Lalsingh Munda . . .	Do.
159.	Agunu Bhua . . .	-do-	33	Karuna Das . . .	Do.
160.	Narayan Mahato . . .	-do-	34	Jogeswar Das . . .	Do.
161.	Prasadi Das . . .	-do-	35	Ruga Manda . . .	Do.
162.	Matta Munda . . .	-do-	36	Bhuneswar Manda . . .	Do.
163.	Gulab Das . . .	-do-	37	Jung Bahadur Pandit . . .	Do.
164.	Prabhu Mahato . . .	-do-	38	Krishna Bhua . . .	Do.
165.	Ghanshyam Mahato . . .	-do-	39	Chanda Rai . . .	Do.
166.	Junki Bhua I . . .	-do-	40	Manarik Sao . . .	Do.
167.	Lalit Das . . .	-do-	41	Chhottu Mia II . . .	Do.
168.	Jagga Ram . . .	-do-	42	Thakur Majhi V . . .	Do.
169.	Badan Thakur . . .	-do-	43	Dherin Bowri . . .	Do.
170.	Sonthokhi Bhua II . . .	-do-	44	Gumdi Munda I . . .	Do.
171.	Kamji Mahato . . .	-do-	45	Haradan Rai . . .	Do.
172.	Dhanu Thakur . . .	-do-	46	Lagan Majhi V . . .	Do.
173.	Parmeswar Thakur . . .	do.	47	Chotka Majhi VI . . .	Do.
174.	Bhaskar Singh . . .	do.	48	Janki Bhua . . .	Do.
175.	Megau Mahato . . .	do.	49	Rupun Singh . . .	Do.
176.	Panchu Das . . .	do.	50	Ganpat Berhi . . .	Do.
177.	Joginder Thakur . . .	do.	51	Rasik Bowri . . .	Do.
178.	Shankar Bowri . . .	do.	52	Mahadeo Singh I . . .	Do.
179.	Mangru Mahato . . .	do.	53	Birsingh Munda II . . .	Do.
180.	Sahadeo Boui . . .	do.	54	Bhorsi Bhua III . . .	Do.
181.	Kirtan Das . . .	do.	55	Fagu Jadav . . .	Do.
182.	Madan Rai . . .	do.	56	Dina Bhua . . .	Do.
183.	Muncswar Pandit . . .	do.	57	Lakan Bhua . . .	Do.
184.	Jagdish Ram . . .	do.	58	Nakul Bowri . . .	Do.
185.	Jagan Pandit . . .	do.	59	Mohan Routh . . .	Do.
186.	Nakul Mallik . . .	do.	60	Harun Mia . . .	Do.
187.	Surja Bowri . . .	do.	61	Satyaranarayan Mahato . . .	Do.
188.	Sreeram Mallik . . .	do.	62	Chalpan Munda . . .	Do.
189.	Chhotu Mallik . . .	do.	63	Ladura Munda III . . .	Do.
190.	Maharaj Jadav . . .	do.	64	Gafur Mia III . . .	Do.
191.	Masudan Singh . . .	do.	65	Silai Munda II . . .	Do.
			66	Pradan Munda III . . .	Do.

Serial No.	Name	Designation	Sl. No.	Name	Designation.
67	Birendar Munda	Pick Miner	145	Madan Saw	Do.
68	Mohl Singh	Do.	146	Sarju Bhuria II	Do.
69	Jairam Lohar	Do.	147	Gulam Resul Mia	Do.
70	Paturdin Mia	Do.	148	Bhojal Bhuria	Do.
71	Amoush Mahato	Do.	149	Kotki Saw	Do.
72	Sobha Mistry	Do.	150	Bijai Gope	Do.
73	Babujan Mia	Do.	151	Prayag Mahato	Do.
74	Amir Mia	Do.	153	Nanku Mia	Do.
75	Baldeo Bhuria V	Do.	154	Latif Mia	Do.
76	Bisho Routh	Do.	155	Jamal Mia	Do.
77	Tejo Singh	Do.	156	Sona Majhi III	Do.
78	Chauraman Dhobi	Do.	157	Dhanu Mahato	Do.
79	Jitan Majhi IV	Do.	158	Kapur Mia IV	Do.
80	Rutu Majhi	Do.	159	Beni Singh	Do.
81	Sikur Majhi I	Do.	160	Satan Mia	Do.
82	Magra Majhi III	Do.	161	Baldev Turi	Do.
83	Jatin V	Do.	162	Ramsahai Chuhun	Do.
84	Ali Husain Mia	Do.	163	Madhu Munda II	Do.
85	Jatal Mia	Do.	164	Ghanshyam Munda II	Do.
86	Murna Majhi	Do.	165	Abiram Munda III	Do.
87	Pow Munda	Do.	166	Ladurai Munda II	Do.
88	Jugal Majhi III	Do.	167	Sado Munda	Do.
89	Jojo Dhobi	Do.	168	Nirmal Munda	Do.
90	Mangir Ram	Do.	169	Kundia Munda	Do.
91	Bali Mahato	Do.	170	Sarjan Munda	Do.
92	Jhagru Mia	Do.	171	Naiku Munda	Do.
93	Chhottu Mia I	Do.	172	Doma Munda	Do.
94	Gafur Mia	Do.	173	Damu Munda	Do.
95	Lochan Das	Do.	174	Gurcharan Munda	Do.
96	Sukhdco Thakur	Do.	175	Rashi Munda	Do.
97	Kesab Thakur	Do.	176	Raghunath Munda	Do.
98	Sikendar Singh	Do.	177	Lape Munda	Do.
99	Rameswar Bhuria I	Do.	178	Madurai Munda	Do.
100	Jikti Mia	Do.	179	Bijai Raj Bhar	Do.
101	Bipat Das	Do.	180	Jettu Saw	Do.
102	Gangaram Munda	Do.	181	Jagu Thakur	Do.
103	Gurucharan Mahato	Do.	182	Ramdin Kurmi	Do.
104	Chiru Roy	Do.	183	Ramkumar Jaiswara	Do.
105	Sahadit Mia	Do.	184	Hiralal Jaiswara	Do.
106	Bhaso Dhobi	Do.	185	Dastrath Dasad	Do.
107	Bishun Mia I	Do.	186	Suchit Saw	Do.
108	Kadir Mia	Do.	187	Israel Mia	Do.
109	Nabi Mia	Do.	188	Bharat Ram	Do.
110	Rojan Mia	Do.	189	Thakur Majhi VI.	Do.
111	Sahud Mia	Do.			
112	Rupi Mia	Do.			
113	Dangal Mahato	Do.			
114	Mangir Mia II	Do.			
115	Bishun Roy	Do.			
116	Kubi Roy	Do.			
117	Mangir Mia I	Do.			
118	Mohan Mahato II	Do.			
119	Amulya Bowri	Do.			
120	Ratan Roy I	Do.			
121	Utin Mahato	Do.			
122	Marai Mahato	Do.			
123	Jagdish Singh	Do.			
124	Rameshwar Mahato II	Do.			
125	Atwari Majhi	Do.			
126	Baldeo Bhuria IV	Do.			
127	Gulamon Dhobi	Do.			
128	Dhaneswar Singh	Do.			
129	Kashi Mahato	Do.			
130	Laldhari Dhobi	Do.			
131	Talin Mia	Do.			
132	Sivanand Mahato	Do.			
133	Ralendar Mahato	Do.			
134	Sanu Mia	Do.			
135	Panchu Mia	Do.			
136	Bhuneswar Bhuria IV	Do.			
137	Mohammad Islam Mia	Do.			
138	Samvhu Rai	Do.			
139	Bajo Mahato	Do.			
140	Jaleswar Das	Do.			
141	Mahadali Mia	Do.			
142	Gafur Mia III	Do.			
143	Bhagirath Bhuria	Do.			
144	Kameswar Das I	Do.			

[No. L/2025/25/72-LRII.]

KARNAIL SINGH, Under Secy.

का० आ० 2742.—यतः मैसर्स श्री श्रीलक्ष्मी नारायण भगवान् द्वष्ट की ईस्ट कुमार धुबी कालियरी डॉक्चर चिरकुण्डा जिला धनबाद (इसके पश्चात् उक्त कम्पनी के रूप में निर्देशित) के प्रबन्धनत्व से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, जिनका प्रतिनिधित्व कालियरी भजद्वार संघ (इ०टक) राजेन्द्र पथ, डाकघर धनबाद, जिला धनबाद (इसके पश्चात् उक्त यूनियन के रूप में निर्देशित) करती है, एक ओद्योगिक विवाद विद्यमान है;

ओर यतः उक्त कम्पनी ओर यूनियन ने ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10-की उपधारा (1) के उपबन्धों के अनुसरण में एक लिखित करार द्वारा उक्त विवाद को उसमें वर्णित व्यक्तियों के माध्यस्थम् के लिए निर्देशित करने का करार कर लिया है और उक्त माध्यस्थम् करार की एक प्रति केन्द्रीय सरकार को भेजी गई है;

यतः, श्रब, ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10-की उपधारा (3) के उपबन्धों के अनुसरण में, केन्द्रीय सरकार उक्त माध्यस्थम् करार को, जो उसे 14 सितम्बर 1972 को मिला था, एतद्वारा प्रकाशित करती है।

(करार)

(श्रौद्धोगिक विवाद प्रविनियम, 1947 की धारा 10-के अधीन)

मैसर्स श्री श्रीलक्ष्मी नारायण भगवान् ट्रस्ट की ईस्ट कुमार धुबी कोलियरी, डाकघर चिरकुण्डा, ज़िला धनबाद के प्रबन्ध-मण्डल और कर्मकारों के बीच, जिनका प्रतिनिधित्व कोलियरी मज़दूर संघ (इण्टक), राजेन्द्र पथ, डाकघर/ज़िला धनबाद करता है।

प्रश्नकारों के बीच निम्नलिखित श्रौद्धोगिक विवाद को श्री श्री० महीपति, मुख्य श्रौद्धोगिक सम्बन्ध और कार्मिक, भारत कोकिंग कोल लि०, बिहार बिल्डिंग, डाकघर झिरिया, ज़िला धनबाद के माध्यस्थम् के लिए निवाशित करने का एतद्वारा करार किया गया है।

“क्या ईस्ट कुमार धुबी कोलियरी के प्रबन्धकों और उनके कर्मकारों के बीच, जिनका प्रतिनिधित्व कोलियरी मज़दूर संघ, धनबाद करता है, 14 मार्च, 1972 और 17 मई, 1972 को हुये समझौते को इण्टि में रखकर ईस्ट कुमार धुबी कोलियरी, डाकघर, चिरकुण्डा, ज़िला धनबाद में, इससे संस्तु अनुबन्ध—“क” में उल्लिखित व्यक्तियों के रोजगार के सम्बन्ध में कोलियरी मज़दूर संघ, राजेन्द्र पथ, धनबाद की मांग व्यापीचित है? यदि हाँ तो सम्बन्धित कर्मकार किस अनुतोष के हक्कदार हैं?

विवाद के प्रकार निम्नलिखित है:—

1. मैसर्स श्री श्रीलक्ष्मी नारायण भगवान् ट्रस्ट डाकघर चिरकुण्डा, ज़िला धनबाद का प्रबन्धमण्डल।
2. कर्मकार जिनका प्रतिनिधित्व कोलियरी मज़दूर संघ, राजेन्द्र पथ, डाकघर/ज़िला धनबाद करता है।

कर्मकारों की कुल संख्या : लगभग 350 है।

विवाद द्वारा प्रभावित होने वाले

कर्मकारों की प्राकृतित सं० : लगभग 440 है।

हम करार भी करते हैं कि मध्यस्थ का विनिश्चय हम पर आवश्यक कर होगा।

मध्यस्थ अपना पंचाट इस समझौते पर हस्ताक्षर होने की तारीख से छः भास की कालावधि या इतने और समय के भीतर जो हमारे बीच पारस्परिक लिखित करार द्वारा बढ़ावा जाय, देगा। यदि पूर्य दण्डित कालावधि के भीतर पंचाट नहीं दिया जाता तो

माध्यस्थम् के लिए निवाशित स्वतः रह हो जायगा और हम नए माध्यस्थम् के लिए बातचीत करने को स्वतन्त्र होंगे।

नियोजकों का प्रतिनिधित्व करने कर्मकारों का प्रतिनिधित्व

वाले करने वाले

(ह०) बी० प०० डबराल (ह०) ए० प०० सिह०

2/9/72

मुख्य कार्मिकी अधिकारी, ईस्ट कुमार धुबी कोलियरी, सचिव, मज़दूर संघ।

मासी

1. श० अपाठ्य

2/9/72

2. ह० अपाठ्य

2/9/72

धनबाद, तारीख : 2 मितम्बर, 1972

अनुबन्ध “क”

वैगत लोडरों की सूची

क्रमांक	नाम	पदनाम
1.	विरेंद्र भुइया	वैगत लोडर
2.	वुनिया भुइया (के)	"
3.	महाबीर भुइया	"
4.	रुबीं भुइया	"
5.	अर्जुन भुइया	"
6.	जनकावा भुइया (के)	"
7.	बनवारी भुइया	"
8.	बनोश्वरी भुइया (के)	"
9.	फीदी भुइया	"
10.	चुरी भुइया	"
11.	बनिचर भुइया	"
12.	जिरिया भुइया (के)	"
13.	बलिया भुइया (के)	"
14.	चमन राम	"
15.	किशुन भुइया	"
16.	परमेश्वर दास	"
17.	सोपानी मुन्दिन	"
18.	कामेश्वर दास	"
19.	कालेश्वर दास	"
20.	रामजतन सिह	"
21.	सेजो भुइया	"
22.	जोदु भुइया	"
23.	नुनु दास	"
24.	मोहन भुइया	"
25.	रामजी महतो	"

क्रमांक	नाम	पदनाम	क्रमांक	नाम	पदनाम
26.	बोला राम	बैगन लोडर	29.	किणोरी सिंह	फैन-खलासी
27.	जमुना दाम	"	30.	रामसागर भाष्ट्र	यथोक्त
28.	भयो दास	"	31.	रिशी बौरी	मर्वे मजदूर
29.	चेतानी भुइया (के)	"	32.	हारू बौरी	जनरल मजदूर
30.	कशुन यादव	श	33.	प्रकलु राय	यथोक्त
31.	रामनारायण साव	"	34.	भगत राम	यथोक्त
32.	मुश्ल राम	"	35.	बलदेव तांती	यथोक्त
33.	विजली राय	"	36.	प्रध्या सिंह	यथोक्त
34.	सीताराम भुइया	श	37.	सुखदेव तांती	यथोक्त
35.	गजेन्द्र ठाकुर	श	38.	विजय कुमार ज्ञा	यथोक्त
36.	एम वृक्ष सिंह	श	39.	रामरथन सावो	यथोक्त
37.	सिबाराती भुइया	"	40.	रामाधर राम	यथोक्त
38.	जसोदी मझिन (के)	"	41.	जोगु रौथ	यथोक्त
39.	फिदंगी भुइया	"	42.	मुरी सिंह	यथोक्त
1.	रामावतार लोहार	पिक-शर्पेनर	43.	शिवनाथ महतो	यथोक्त
2.	जूगु लोहार	यथोक्त	44.	गोपी महतो	यथोक्त
3.	पी०के० घोष	नेथ भैन	45.	दासू पंडित	यथोक्त
4.	नारायण भोहार	असिस्टेंट फिटर	46.	खलीफा महतो	यथोक्त
5.	गांधारी मिस्तरी	मजदूर	47.	त्रिनिफ मियां	यथोक्त
6.	दिलीप सिंह	यथोक्त	48.	तुर्गा भाव	यथोक्त
7.	सत्यनारायण महतो	लाइट टिडल	49.	सर्जुन महतो	यथोक्त
8.	बुआ सिंह	टिडल	50.	अर्जुन प्रसाद	यथोक्त
9.	सन्तोष सिंह	यथोक्त	51.	बरहान यादव	यथोक्त
10.	निकाई चन्द्र दान	कैटीन कुक	52.	जगदीश सिंह	यथोक्त
11.	भ्रुतुल बौरी	क्रैटिस मिस्तरी	53.	बोरी राय	यथोक्त
12.	दुर्गाचिरण मुण्डा	यथोक्त	54.	सहाराई उरंग	जनरल मजदूर
13.	लखीराम मांझी II	मजदूर	55.	शिवानंद पाल	यथोक्त
14.	मौती राम	यथोक्त	56.	चैतन राय	यथोक्त
15.	चन्द्रदेव प्रसाद	यथोक्त	57.	गोविन्द महतो	यथोक्त
16.	सनातन राय	लाइन मिस्तरी	58.	रामेश्वर रौथ-I	यथोक्त
17.	नानु राय	यथोक्त	59.	सुदामा रौथ	गेट मजदूर
18.	बुधन महतो	टिम्बर मिस्तरी	60.	जानकी महतो	बैरिंग मजदूर
19.	लखन सिंह	यथोक्त	61.	भगीरथ राय	यथोक्त
20.	जीतेन साव	यथोक्त	62.	चकोरी मुण्डा	यथोक्त
21.	श्रीनाथ मिह	यथोक्त	63.	भूकन महतो	पानी मजदूर
22.	सरजू सिंह	टिम्बर मजदूर	64.	लुखर महतो	यथोक्त
23.	जीतन मांझी	यथोक्त	65.	ठाकुर पंडित	यथोक्त
24.	श्यामसुन्दर लोहार	यथोक्त	66.	गिरजन राय	यथोक्त
25.	काशीनाथ पाल	यथोक्त	67.	रामस्वर पासी	पम्प खलासी
26.	कमल बौरी	यथोक्त	68.	पुन बौरी	यथोक्त
27.	पोडु राय	यथोक्त	69.	मनमा मांझी	यथोक्त
28.	हरि पादा राय	टिम्बर मजदूर	70.	गमदेव प्रसाद	यथोक्त
			71.	लम्बन पामी	यथोक्त
			72.	उमाशंकर राय	यथोक्त
			73.	विक्रमा दुसाद	यथोक्त

क्रमांक	नाम	पदनाम	क्रमांक	नाम	पदनाम
74.	छोटे लाल पासी	यथोक्त	119.	ओंकार सिंह	यथोक्त
75.	मुराल दास	यथोक्त	120.	राजेन्द्र शा	यथोक्त
76.	जे०सी० मुखर्जी	यथोक्त	121.	खीरी वत्ता	सैम्प हस्तु कल्की
77.	फागू रीथ	सर्कुस पम्प खलासी	122.	जे० स्लेमोन	श्रसिस्टैट एल/रूम हंचार्ज
78.	पी०एस० चौधरी	यथोक्त	123.	पी०एन०एस० ठाकुर	एल/हशु कल्की
79.	मोती दास	यथोक्त]	124.	बी०एन० शर्मा	द्रृक चैकर
80.	सेबी मोहरा	हॉलेज खलासी]	125.	प्रीतम सिंह	बोडी सर्चर
81.	हरि पंडित	यथोक्त	126.	हनुमान शर्मा	यथोक्त
82.	भुवनेश्वर सिंह	यथोक्त	127.	रामानन्दराम	मुशी
83.	ओमा मोहरा	यथोक्त	128.	सूरजदेव प्रसाद	यथोक्त
84.	निर्मल राय	यथोक्त	129.	द्वामा मांझी	स्टोइंग मुंशी
85.	राहु मोर्ची	फायरमैन	130.	मुनी लाल मांझी	मुंशी
86.	मदन राम	स्वीपर	131.	कमला चक्रवर्ती	क्रेश नर्म
87.	रोरा राम	यथोक्त	132.	ए०के० राय	कम्पाउंडर
88.	द्रोष्णी कामिन	यथोक्त	133.	नारायण महतो	बाइंडिंग हॉलेज खलासी
89.	अब्जी कामिन	यथोक्त	134.	मंतु दास	ओवर मैन
90.	जोगेन्द्र राम	यथोक्त	135.	मथुरा सिंह	यथोक्त
91.	सौमराह उरंग	पिंकिंग मजदूर	136.	आर०के० राय	यथोक्त
92.	नस्ता उरंग	यथोक्त	137.	दाकलराय	माइनिंग सरदार
93.	बिगा उरंग	यथोक्त	138.	पी०एन० राय	माइनिंग सरदार
94.	बिगाना उरंग	यथोक्त	139.	माथुर बौरी	यथोक्त
95.	धनी उरंग	यथोक्त	140.	मनन पांडेय	यथोक्त
96.	बिजोला उरंग	यथोक्त	141.	प्रशोक मिह	कार्यालय चपरासी
97.	लिबा उरंग	यथोक्त	142.	सर्जग महतो	मैगजिन गार्ड
98.	महादेव उरंग	यथोक्त	143.	नन्दु सिंह	राति रक्षक
99.	बिमला बौरिन	यथोक्त	144.	देवनंदन राय	चपरासी
100.	लखी बौरिन	यथोक्त	145.	बर्मा सिंह	डिपो चपरासी
101.	मोती बौरिन	यथोक्त	146.	अर्जुन प्रसाद मिह	चपरासी
102.	सबी बौरिन	यथोक्त	147.	जयदेव मिह	यथोक्त
103.	गौरी राय	यथोक्त	148.	अनिश्च लेन्स कलीनर	यथोक्त
104.	जाला बौरिन	यथोक्त	149.	रघु मिस्की	फिटर
105.	बिगोला बौरिन	यथोक्त	150.	टी० जोंजफ	इनेक्ट्रिशियन
106.	रामी मोचिन	यथोक्त	151.	सत्यदेव प्रसाद सिंह	महायक इलेक्ट्रिशियन
107.	सुखदाई कामिन	कक्षा कामिन	152.	राजकुमार प्रसाद	मुंशी
108.	वासु राय	मुरक्का लैन्प कलीनर	153.	(क) लाल भुइया	द्रैमर
109.	चुर्का माँझी	यथोक्त	154.	मौजी भुइया	यथोक्त
110.	राजेन्द्र सिंह	यथोक्त	155.	सिया भुइया	यथोक्त
111.	रामजी प्रसाद	बैक्स मैन आनसेटर	156.	जुगल भुइया II	यथोक्त
112.	धनु हम्हार	यथोक्त	157.	बिहारी भुइया	यथोक्त
113.	कामेश्वर जादव	यथोक्त	158.	प्रसादी भुइया II	यथोक्त
114.	कपलदेव प्रसाद	कार्यालय कल्की	159.	अगुन भुइया I	यथोक्त
115.	एच०एल० पटेल	गयोक्त	160.	नारायण महतो	यथोक्त
116.	राजीब रमन सिंह	महायक भण्डारी	161.	प्रसादी दास	यथोक्त
117.	एस०के० जानी	सहायक कल्की	162.	मता मुंडा	यथोक्त
118.	आर०एल० सिंह				

क्रमांक	नाम	पदनाम	क्रमांक	नाम	पदनाम
163.	गुलाबदास	द्रेमर	5.	चन्द्रा मुंडा I	पिक माइनर
164.	प्रभु महतो	यथोक्त	6.	सिंगराय मुंडा	यथोक्त
165.	धनश्याम महतो	यथोक्त	7.	किटू मुंडा	यथोक्त
166.	जानकी भुइया I	यथोक्त	8.	पत्तर मुंडा	यथोक्त
167.	ललितदास	यथोक्त	9.	सिकुर मुंडा I	यथोक्त
168.	जम्बा राम	यथोक्त	10.	दिवरु मुंडा	यथोक्त
169.	बदन ठाकुर	यथोक्त	11.	लत्तेन भुइया I	यथोक्त
170.	सोतोखी भुइया II	यथोक्त	12.	फागुनी भुइया II	यथोक्त
171.	रामजी महतो	यथोक्त	13.	किशुन मांझी II	यथोक्त
172.	धमू ठाकुर	यथोक्त	14.	चन्द्र मोहन मुंडी II	यथोक्त
173.	परमेश्वर ठाकुर	यथोक्त	15.	भगत राय	यथोक्त
174.	भास्कर सिंह	यथोक्त	16.	पांडे मुंडा	यथोक्त
175.	मेधू मेहतो	द्रेमर	17.	बद्री भुइया	यथोक्त
176.	पंचुदास	यथोक्त	18.	सीमा मुंडा	यथोक्त
177.	जोगिन्द्र ठाकुर	यथोक्त	19.	लखन मुंडा I	यथोक्त
178.	शंकर बौरी	यथोक्त	20.	हारु मांझी	यथोक्त
179.	भंगरु महतो	यथोक्त	21.	सूपाल मांझी	यथोक्त
180.	सहादेव बौरी	यथोक्त	22.	लोविन मांझी III	यथोक्त
181.	कीरत दास	द्रेमर	23.	दसकन्द मुंडा	यथोक्त
182.	मदन राय	यथोक्त	24.	जोगेश्वर मुह्या I	यथोक्त
183.	मनेस्वर पंडित	यथोक्त	25.	एनसुश मिश्रा	यथोक्त
184.	जगदीश राम	यथोक्त	26.	मनातन मुंडा	यथोक्त
185.	जगन पंडित	यथोक्त	27.	सरजु बराई	यथोक्त
186.	नकुल मल्लिक	यथोक्त	28.	उमराऊ भुइया	यथोक्त
187.	सुरजा बौरी	यथोक्त	29.	जगदीश भुइया	यथोक्त
188.	श्रीराम मल्लिक	यथोक्त	30.	उमान महतो	यथोक्त
189.	छोटू मल्लिक	यथोक्त	31.	चेतन मुंडा	यथोक्त
190.	महाराज जादव	यथोक्त	32.	लाल सिंह मुंडा	यथोक्त
191.	मसूदन सिंह	यथोक्त	33.	करुनादास	यथोक्त
192.	मनोहर घोस	यथोक्त	34.	जोगेश्वर दास	यथोक्त
193.	मनोहर राय	यथोक्त	35.	सुगा मडो	यथोक्त
194.	भिकु पंडित	यथोक्त	36.	भुनेस्वर मंडा	यथोक्त
195.	इश्वाहिम मिया	यथोक्त	37.	जंग बहादुर पंडित	यथोक्त
196.	सरजुग महतो	यथोक्त	38.	कृष्ण भुइया	यथोक्त
197.	प्रभु मंडल	यथोक्त	39.	चन्द्रा राय	यथोक्त
198.	गीनागोप	यथोक्त	40.	मानारिक साओ	यथोक्त
199.	बिखारी राउथ	यथोक्त	41.	छोटू मिया II	यथोक्त
200.	पंचु पंडित	यथोक्त	42.	ठाकुर मांझी V	यथोक्त
201.	जंगु बहादुर भुइया	यथोक्त	43.	घेरीन बौरी	यथोक्त
202.	राजेस्वर सिंह	यथोक्त	44.	गुमडी मुंडा I	यथोक्त
1.	किशन भुइया	पिक माइनर	45.	हरादन राय	यथोक्त
2.	मारन सिंह मुंडा	यथोक्त	46.	लगन मांझी V	यथोक्त
3.	घुइया बौरी	यथोक्त	47.	छोटक मांझी VI	यथोक्त
4.	सखन मुंडा II	यथोक्त	48.	जानकी भुइया	यथोक्त
			49.	रूपन सिंह	यथोक्त

क्रमांक	नाम	पदनाम	क्रमांक	नाम	पदनाम
5.0	गनरत वेरही	पिक माइनर	96	सुखदेओ ठाकुर	पिक माइनर
51	रसिक बौरी	यथोक्त	97	केसब ठाकुर	यथोक्त
52	महारेखी सिंह I	यथोक्त	98	सिकेन्दर सिंह	यथोक्त
53	विर्सिह मुंडा II	यथोक्त	99	रामेस्वर भुइया I	यथोक्त
54	भोरसी भुइया III	यथोक्त	100	जिकरी मिश्रा	यथोक्त
55	फागू जादव	यथोक्त	101	बीपत दास	यथोक्त
56	दीना भुइया	यथोक्त	102	गंगाराम मुंडा	यथोक्त
57	लखन भुइया	यथोक्त	103	गुरुचरण महतो	यथोक्त
58	नकुल बौरा	यथोक्त	104	चिरु राय	यथोक्त
59	मोहन राउथ	यथोक्त	105	महादित मिश्रा	यथोक्त
60	हरण मिश्रा	यथोक्त	106	मासो धोबी	यथोक्त
61	सत्यनारायण महतो	यथोक्त	107	दिशुन मिश्रा I	यथोक्त
62	चलंग मुंडा	यथोक्त	108	कादिर मिश्रा	यथोक्त
63	लाडुरा मुंडा III	यथोक्त	109	नवी मिश्रा	यथोक्त
64	गफूर मिश्रा III	यथोक्त	110	राजन मिश्रा	यथोक्त
65	सिलाई मुंडा II	यथोक्त	111	सहत मिश्रा	यथोक्त
66	प्रदान मुंडा III	यथोक्त	112	रुपी मिश्रा	यथोक्त
67	बीरेन्द्र मुंडा	यथोक्त	113	इंगल महतो	यथोक्त
68	मेही सिंह	यथोक्त	114	मंगीर मिश्रा II	यथोक्त
69	जयराम लोहार	यथोक्त	115	बिशुन राय	यथोक्त
70	पतुरदीन मिश्रा	यथोक्त	116	दुबी राय	यथोक्त
71	अमौण महतो	यथोक्त	117	मणि मिश्रा I	यथोक्त
72	सोमा मिस्तरी	यथोक्त	118	मोहन महतो II	यथोक्त
73	बाबूजान मिश्रा	यथोक्त	119	अमुल्या बौरी	यथोक्त
74	अमीर मिश्रा	यथोक्त	120	रतन राय I	यथोक्त
75	बलदेव भुइया	यथोक्त	121	उतिम महतो	यथोक्त
76	विशो रौथ	यथोक्त	122	मराइ महतो	यथोक्त
77	नेजो सिंह	यथोक्त	123	जगदीश मिश्र	यथोक्त
78	चुरामन धोबी	यथोक्त	124	रामेश्वर महतो II	यथोक्त
79	जीतन माझी IV	यथोक्त	125	अतवारी माझी	यथोक्त
80	रुतु माझी	यथोक्त	126	बलदेशी भुइया	यथोक्त
81	सिकुर माझी I	यथोक्त	127	गुलामो धोबी	यथोक्त
82	मगरा माझी III	यथोक्त	128	धनेश्वर सिंह	यथोक्त
83	जितेन V	यथोक्त	129	काशी महतो	यथोक्त
84	अलह हुसैन मिश्रा	यथोक्त	130	लालधारी धोबी	यथोक्त
85	जातल मिश्रा	यथोक्त	131	तालिम मिश्रा	यथोक्त
86	मुरना माझी	यथोक्त	132	सिवानन्द महतो	यथोक्त
87	पोव मुंडा	यथोक्त	133	राजेन्द्र महतो	यथोक्त
88	जुगल माझी III	यथोक्त	134	सातु मिश्रा	यथोक्त
89	जोजो धोबी	यथोक्त	135	पंच मिश्रा	यथोक्त
90	मंगीर राम	यथोक्त	136	भुनेश्वर भुइया IV	यथोक्त
91	बाली महतो	यथोक्त	137	मोहम्मद इस्लाम मिश्रा	यथोक्त
92	झगह मिश्रा	यथोक्त	138	समवहु राय	यथोक्त
93	छोट मिश्रा I	यथोक्त	139	बाजो महतो	यथोक्त
94	गफूर मिश्रा	यथोक्त	140	जालेश्वर दास	यथोक्त
95	लोचन दास	यथोक्त	141	महादली मिश्रा	यथोक्त

क्रमांक	नाम	पदनाम	क्रमांक	नाम	पदनाम
142	गहूर मिश्रा III	पिक माहनर	187	दसराइल मिश्रा	पिक माहनर
143	भागीरथ मुहम्मद	यथोक्त	188	भगत राम	यथोक्त
144	कागेस्वरदास I	यथोक्त	189	ठाकुर मास्ती IV	यथोक्त
145	मदन सावं	यथोक्त			[संव्या एल/2025/25/72-एल आर II]
146	मरजू भुइया II	यथोक्त			कर्त्तव्य मिल, अवर सचिव।
147	गुलाम रसूल मिश्रा	यथोक्त			
148	भोजल भुइया	यथोक्त			
149	कोतकी मात्रा	यथोक्त			
150	बिजय गोप	यथोक्त			
151	प्रयाग महतो	यथोक्त			
153	नन्दु मिश्रा	यथोक्त			
154	लतीफ मिश्रा	यथोक्त			
155	जमाल मिश्रा	यथोक्त			
156	सोना मास्ती III	यथोक्त			
157	धानु महतो	यथोक्त			
158	कपूर मिश्रा IV	यथोक्त			
159	बेनी सिंह	यथोक्त			
160	सानन मिश्रा	यथोक्त			
161	बलदेश्वरतुरी	यथोक्त			
162	रामगोहय चूहान	यथोक्त			
163	मधुमुडा II	यथोक्त			
164	धनस्थाम मुंडा II	यथोक्त			
165	अबीराम मुंडा III	यथोक्त			
166	नाडू राय मुंडा II	यथोक्त			
167	सादो मुंडा	यथोक्त			
168	निर्मल मुंडा	यथोक्त			
169	कुनिया मुंडा	यथोक्त			
170	सरजन मुंडा	यथोक्त			
171	नेकू मुंडा	यथोक्त			
172	दोमा मुंडा	यथोक्त			
173	वाम मुंडा	यथोक्त			
174	गुरज्जरण मुंडा	यथोक्त			
175	राणी मुंडा	यथोक्त			
176	रघुनाथ मुंडा	यथोक्त			
177	लेप मुंडा	यथोक्त			
178	मादुराय मुंडा	यथोक्त			
179	विजय राजभार	यथोक्त			
180	जेटू सावं	यथोक्त			
181	जगू थाकुर	यथोक्त			
182	रामदिन तुरभी	यथोक्त			
183	रामकुमार जेसवारा	यथोक्त			
184	हीरलाल जेसवारा	यथोक्त			
185	दशरथ दासाद	यथोक्त			
186	मुचित सात्र	यथोक्त			

(Department of Labour and Employment)

New Delhi, the 30th September 1972

S.O. 2743.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur in the industrial dispute between the employers in relation to the management of the Rashtriya Khadan Mazdoor Sahakari Samiti, Contractors, Kokan Mines, Post Office Dalli-Rajhara, Durg (M.P.) and their workmen, which was received by the Central Government on the 23rd September, 1972.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
CUM-LABOUR COURT, JABALPUR

Dated Jabalpur, 8th September, 1972

PRESENT:

Mr. Justice S. N. Katju, Presiding Officer,
CASE REF. No. CGIT/LC(R) (12) of 1972

(Notification No. L-26011(1)/72-LR-IV dated 6-4-1972)

PARTIES:

Employers in relation to the management of the Rashtriya Khadan Mazdoor Sahakari Samiti Contractors, Kokan Mines, Post Office, Dalli-Rajhara, Durg (M.P.)

Versus

Their workmen represented by the Samyukta Khadan Mazdoor Sangh, Post Office Dalli-Rajhara, Durg (M.P.)

APPEARANCES:

For employers—None.

For workmen—Sri P. K. Thakur, Vice President of the S. K. M. Sangh.

INDUSTRY: Iron Ore Mine DISTRICT: Durg (M.P.)

AWARD

This is a reference under Sec. 10(1)(d) of the Industrial Disputes Act, 1947. The issue in dispute as incorporated in the schedule to the reference is as follows:—

"Whether the Rashtriya Khadan Mazdoor Sahakari Samiti, Post Office, Dalli-Rajhara, Durg (Madhya Pradesh), is justified in terminating the services of Shri Ram Prasad and Smt. Jankibai, with effect from the 5th May, 1971? If not, to what relief are those workmen entitled?"

There is no reply of the employers. I have recorded the evidence of Shri Ram Prasad. He has also deposed with regard to the dismissal of his wife, Smt. Jankibai. He has stated that the charges levelled against him and his wife, Smt. Jankibai, were false and they had replied to the said charges. But there was no enquiry at all and he nor his wife were given

any opportunity to defend themselves. Since no one appeared on behalf of the employers, the allegations made by Sri Ram Prasad with regard to his dismissal as also the dismissal of Smt. Jankibai stand unrebutted. It appears that there was no proper enquiry with regard to the charges made.

Sri Ram Prasad and his:

they were not given any .

selves. Under these circumstances, the order terminating their services was unwarranted and unjustified. My answer to this reference is that the Rashtriya Khadan Mazdoor Sahakari Samiti, P.O. Dalli-Rajahara, District Durg was not justified in terminating the services of Sri Ram Prasad and Smt. Jankibai with effect from 5th May 1971. They are entitled to be reinstated in their respective services and shall be paid their wages and other dues with effect from 5th May 1971. The Union shall get Rs. 100 as costs from the employers I make my award accordingly.

(Sd.) S. N. KATJU,
Presiding Officer.

[No. L-26011(1)/72-LR-IV.]

S. S. SAHASRANAMAN, Under Secy.

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 28th August 1972

S.O. 2744.—In pursuance of the Resolution of the Government of India in the Ministry of Information and Broadcasting No. 1/29/58-FP dated the 5th February, 1959, as amended from time to time, the Central Government hereby re-nominate Smt. T. V. Dehejia, Shri Ezra Mir and Shri Surendra Jha as members of the Film Advisory Board, Bombay for a second term of two years with effect from the 25th August, 1972.

[No. 28/3/70-FP.]

K. K. KHAN, Dy. Secy.

सूचना और प्रसारण मंत्रालय

नई दिल्ली, 28 अगस्त, 1972

एस० ओ० 2744.—भारत सरकार के सूचना और प्रसारण मंत्रालय के समय समय पर संशोधित संकल्प संख्या 1/29/58—एफ० (पी०) दिनांक 5 फरवरी, 1959 के अनुसरण में, केन्द्रीय सरकार ने श्रीमती टी० वी० दड़ेजिया, श्री इजरा मीर और श्री सुरेन्द्र ज्ञा को 25 अगस्त, 1972 से 2 वर्ष की और अवधि के लिए, फिल्म मलाहकार बोर्ड, बम्बई का सदस्य दुबारा नामजद किया है।

[संख्या 28/3/70-एफ० पी०]

के० के० खान, उप मंचिव।

MINISTRY OF SHIPPING AND TRANSPORT (Transport Wing)

New Delhi, the 30th August, 1972.

S.O. 2745.—In pursuance of rule 5 of the Indian Merchant Shipping (Seamen's Employment Office, Calcutta) Rules, 1954. the Central Government hereby establishes Seamen's Employment Board (Foreign-going) at the Port of Calcutta for a period of two years with effect from

the date of issue of this notification and appoints the following persons to be members thereof, namely:—

Members representing Government.

1. Director General of Shipping
2. The Deputy Director General of Shipping-in charge of the Seamen's Employment Office, Calcutta.
3. The Labour Commissioner, West Bengal, Calcutta.
4. The Shipping Master, Calcutta.
5. The Principal Seamen's Welfare Officer, Calcutta.
6. The Director, Seamen's Employment Office, Calcutta.

Members representing Shipowners.

7. Shri N. K. Sen.
8. Shri T. Bagchi.
9. Shri K. Puri.
10. Shri S. Puri.
11. Capt. S. D. Chadda.
12. Capt. G. A. Lobo.

Members representing Seafarers.

13. Shri Boyoy Mukherjee.
14. Shri Naresh Ch. Bhardwaj.
15. Shri Ajit Chakraborty.
16. Shri Subhrendu Chatterjee.
17. Shri Sunil Das.
18. Shri Samir Chakraborty.

2. The Director General of Shipping shall be the Chairman of the Board. The Deputy Director General of Shipping in charge of Seamen's Employment Office, Calcutta shall be the Vice, Chairman of the Board.

3. The Director, Seamen's Employment Office, Calcutta shall act as the Secretary of the Board.

[No. F. 15/MT(I)/72.]

J. K. BHATTACHARYA, Dy. Secy.

नौवहन और परिवहन मंत्रालय

(परिवहन पक्ष)

नई दिल्ली, 30 अगस्त, 1972

एस० ओ० 2745.—भारतीय व्यापार पोत (नाविक रोजगार कार्यालय, कलकत्ता), नियम, 1954 के नियम 5 के अनुसरण में, केन्द्रीय सरकार एतद्वारा, इस प्रधिसूचना के जारी करने की तारीख से दो वर्ष की अवधि के लिये कलकत्ता पत्तन में नाविक रोजगार बोर्ड (विदेश गामी) की स्थापना करती है, और निम्नलिखित व्यक्तियों को उसके सदस्यों के तौर पर नियुक्त करती है, अर्थात :—

1. महा निदेशक नौवहन,
2. नाविक रोजगार कार्यालय कलकत्ता के प्रभारी, उप महानिदेशक, नौवहन
3. श्रम आयुक्त पश्चिम बंगाल कलकत्ता
4. नौवहन मास्टर, कलकत्ता
5. प्रधान, नाविक कल्याण अधिकारी, कलकत्ता
6. निदेशक, नाविक रोजगार कार्यालय, कलकत्ता।

सरकार का प्रतिनिधित्व करने वाले सदस्य

7. श्री एन० के० सेन	{	जहाज मालिकों का प्रतिनिधित्व करने वाले सदस्य
8. श्री टी० बागची		
9. श्री के० पुरी		
10. श्री एम० पुरी		
11. कैप्टन एम० डी० चड्डा		
12. कैप्टन सी० ए० लोदो		
13. श्री विजय मुखर्जी		
14. श्री नरेश च० भारद्वाज		
15. श्री अशीत चक्रवर्ती		
16. श्री शुभेन्दु चट्टर्जी		
17. श्री मृणील दास		
18. श्री समीर चक्रवर्ती		

2. महानिदेशक नौवहन बोर्ड के अध्यक्ष होंगे। नाविक रोजगार कार्यालय, कलकत्ता के प्रभारी उप महानिदेशक, नौवहन बोर्ड के उपाध्यक्ष होंगे।

3. निदेशक, नाविक रोजगार कार्यालय कलकत्ता बोर्ड के सचिव के तौर पर कार्य करेंगे।

[सं० एफ० 15-एम टी० (1)/72]

जे० के० अट्टामार्य, उप सचिव।

(Transport Wing)

New Delhi, the 30th August 1972

S.O. 2746.—Sarvashri N. R. Reddy, Joint Secretary, Ministry of Shipping and Transport and Mahmood Butt, Secretary to the Government of Uttar Pradesh, Transport Department, are appointed as Members of the Working Group, constituted *vide* the Ministry of Shipping and Transport Resolution No. 39-TAG(3)/72, dated the 7th July, 1972, to examine the question of language to be used for the display of registration marks on motor vehicles, vice Sarvashri K. Sivaraj and G. R. Pandey, respectively.

[No. 39-TAG(3)/72.]

N. A. A. NARAYANAN, Under Secy.

(परिवहन पक्ष)

नई दिल्ली, 30 अगस्त, 1972

एस० ओ० 2746.—सर्वेश्वी एन० आर० रेड्डी संयुक्त सचिव, नौवहन और परिवहन मंत्रालय तथा महमूद बट्टा, सचिव, उत्तर प्रदेश शासन, परिवहन विभाग को क्रमणः सर्वेश्वी के० शिवराज तथा जी० पी० पांडे के स्थान पर मोटर गाड़ियों पर रजिस्ट्रेशन चिह्नों के प्रदर्शनहेतु प्रयोग में लायी जाने वाली भाषा के प्रश्न की जांच करने के लिए नौवहन और परिवहन मंत्रालय संकल्प सं० 39—टी० जी० (3)/72 दिनांक 7-7-72 में गठित कार्यदल के सदस्यों के रूप में नियुक्त किया जाता है।

[सं० 39-टी० ए० जी० (3)/72]

एन० ए० ए० नारायणन, अवर सचिव।

MINISTRY OF TOURISM AND CIVIL AVIATION

New Delhi, the 28th August 1972

S.O. 2747.—In exercise of the powers conferred by Section 4 of the Air Corporations Act, 1953 (27 of 1953) the Central Government hereby appoints Air Chief Marshal P. C. Lal as a Director on the Boards of Air-India and Indian Airlines with immediate effect and until further orders.

[No. AV18013/3/71-AC.]

N. SAHGAL, Secy.

पर्यटन और नागर विमानन मंत्रालय

नई दिल्ली, 28 अगस्त, 1972

एस० ओ० 2747.—वायु निगम अधिनियम, 1953 (1953 का 27) की धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतदब्बारा एयर चीफ मार्शल पी० सी० लाल को तत्काल एवं अगले आदेशों तक एयर इण्डिया और इण्डियन एयर-लाइन्स के निदेशक माझ्डों के एक निदेशक के रूप में नियुक्त करती है।

[सं० ए० ए० 18013/3/71-ए० सी०]

एन० सहगल, सचिव।

MINISTRY OF AGRICULTURE

(Department of Agriculture)

New Delhi, the 26th September 1972

S.O. 2748.—The following draft of rules further to amend the Tobacco Grading and Marking Rules, 1937, which the Central Government proposes to make in exercise of the powers conferred by section 3 of the Agriculture Produce (Grading and Marking) Act, 1937 (1 of 1937) is hereby published as required by the said section for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the expiry of a period of one month from the date of the official Gazette containing this notification is made available to the public.

Any objections or suggestions which may be received from any person with respect to the said draft before the date specified above will be considered by the Central Government.

Draft Amendment

1. These rules may be called the Tobacco Grading and Marking (Amendment) Rules, 1972.

2. In Schedule II to the Tobacco Grading and Marking Rules, 1937 for foot-notes* the following shall be substituted namely:

"Grade designation will be applicable under the following conditions:—

That the consignment is meant for export against a specific order and that the exporter will indicate the sale price and furnish a guarantee letter to the effect that the sale proceeds shall be received within six months and that the evidence of such receipt furnished".

[No. F. 13-1/72-C&M.]

T. D. MAKHIJANI, Under Secy.

वृषि मन्त्रालय

(वृषि विभाग)

नई दिनंगी, 26 सितम्बर, 1972

का० आ० 2748.—नम्बाकू श्रेणीकरण और चिन्हन नियम, 1937 में और मंगोधन करने के लिए नियमों का निम्नलिखित प्राप्त, जिसे केन्द्रीय सरकार वृषि उपा० (श्रेणीकरण और चिन्हन) अधिनियम, 1937 (1937 का 1) की व्यापा० 3 द्वारा शक्तियों का प्रयोग करते हुए बनाने की प्रस्थापना करती है, उक्त धारा० डारा० यथावपेक्षित उस सभी व्यक्तियों की जानकारी के लिए, जिसका उसमें प्रभावित होना सम्भाव्य है, प्रकाशित किया जाता है और एतद्वारा यह सूचना दी जाती है कि उक्त प्राप्त पर इस अधिसूचना से युक्त राजपद सर्वाधारण को उपलब्ध किए जाने को तारीख से एक मास की अवधि के अवसान पर या उसके पश्चात् विचार किया जायेगा।

ऐसे किन्हीं श्राक्षरों या मुद्राओं पर, जो उपर्युक्त विनियोग तारीख के पूर्व उक्त प्राप्त की वाबन विधि व्यक्ति में प्राप्त किए जाएं, केन्द्रीय सरकार द्वारा विचार किया जायेगा।

प्राप्ति नंगोपाठ

1. इन नियमों का नाम तम्बाकू श्रेणीकरण और चिन्हन (संशोधन) नियम, 1972 होगा।

2. नम्बाकू श्रेणीकरण और चिन्हन नियम, 1937 की अनुसूची II में, पाद-टिप्पण ** के स्थान पर निम्नलिखित रखा जाएगा, अर्थात्:—

“**श्रेणी पदाभिधान निम्नलिखित शर्तों के अधीन लागू होगा:—

कि परेपण विनियोग आईंग के प्रति नियर्ति के लिए है और कि नियर्तिकर्ता विक्रय कीमत उपर्युक्त करेगा और इस भाव का एक प्रत्याभूति-पत्र देगा कि विक्रय आगम छह मास के भीतर प्राप्त किया जायेगा और ऐसी प्राप्ति का मालय दिया जायेगा।”

[मंस्या 13-1/72-ऋण तथा विषयन]

टी० ई० माल्वीजानी, अवर सचिव।

MINISTRY OF COMMUNICATIONS

(P. & T. Board)

New Delhi, the 28th August, 1972.

S.O. 2749.—In exercise of the powers conferred by section 43 of the Indian Post Offices Act, 1898 (6 of 1898), the Central Government hereby rescinds the notification of the Government of India in the Ministry of Communications (Posts and Telegraphs Board) No. S.O. 160(E), dated the 25th February, 1972.

[No. 13-8/71-CI.]

P. S. RAGAVACHARI.
Nideshak (Dak Takniki).

संचार मंत्रालय

(डाक तार बोर्ड)

नई दिल्ली, 28 अगस्त 1972

प्रा० आ० 2749—भारतीय डाकघर अधिनियम, 1898 (1898 का 6) के खण्ड 43 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, संचार मंत्रालय (डाक तार बोर्ड) सं० एस० आ० 160 (इ) तारीख 25 फरवरी, 1972 के अन्तर्गत भारत सरकार की अधिसूचना को एतद्वारा रद्द करती है।

[सं० 13/8/71—सी० आई०]

पी० प्रा० राघवाचारी,
निदेशक (डाक तकनीकी)।

(P & T Board)

New Delhi, the 28th September 1972

S.O. 2750.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627, dated 8th March, 1960, the Director-General, Posts and Telegraphs, hereby specifies the 16-10-1972 as the date on which the Measured Rate System will be introduced in Moghalsarai Telephone Exchange, U.P. Circle.

[No. 5-7/72-PHB(26).]

(डाक-तार बोर्ड)

नई दिल्ली, 28 सितम्बर, 1972

का० आ० 2750—स्थायी आदेश संख्या 627 दिनांक 8 मार्च, 1960 द्वारा लागू किए गए भारतीय तार नियम 1951 के नियम 434 के खण्ड III के रैंग (क) के अनुसार डाक-तार महानिदेशक ने मुग्न मराय टेलोफोन केन्द्र में दिनांक 16-10-72 से प्रमाणित दर प्रणाली लागू करने का निश्चय किया है।

[सं० 5-7/72—पी एच बी (26)]

New Delhi, the 30th September 1972

S.O. 2751.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627, dated 8th March, 1960, the Director-General, Posts and Telegraphs, hereby specifies the 16-11-1972 as the date on which the Measured Rate System will be introduced in Palai Telephone Exchange, Kerala Circle.

[No. 5-38/72-PHB(15).]

नई दिनंगी, 30 मितम्बर 1972

का० आ० 2751—स्थायी आदेश संख्या 672, दिनांक 8 मई, 1960 द्वारा लागू किए गए पार्सोनीय तार नियम 1951 के नियम 434 के खण्ड III के रैंग (क) के अनुसार डाक-तार महानिदेशक ने पानाइ टेलोफोन केन्द्र में दिनांक 16-11-72 से प्रमाणित दर प्रणाली लागू करने का निश्चय किया है।

[संख्या 5-38/72—पीएच बी (15)]

S.O. 2752.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627, dated 8th March, 1960, the Director-General, Posts and Telegraphs, hereby specifies the 1-11-1972 as the date on which the Measured Rate System will be introduced in Rewa Telephone Exchange, M.P. Circle.

[No. 5-46/72-PHB(9).]

A. S. VOHRA,
Assistant Director Central (PHB).

का० आ० 2752.—स्थायी आदेश संख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किए गए भारतीय तार नियम 1951 के नियम 434 के खण्ड III के पैरा (क) के अनुसार डाक-तार महानिदेशक ने रीवा टेलीफोन केन्द्र में दिनांक 1-11-72 से प्रमाणित दर प्रणाली लागू करने का निश्चय किया है।

[संख्या 5-46/72-पी०एच०बी० (9)]

ए० एम० बोहरा

महायक महानिदेशक (पी०एच०बी०)

MINISTRY OF STEEL AND MINES

(Department of Steel)

New Delhi, the 25th September 1972

SUBJECE.—Guidelines for the Steel Priority Committee

S.O. 2753.—In exercise of the powers conferred by Clause 17A of the Iron and Steel (Control) Order, 1956, the Central Government hereby make the following guidelines for the guidance of the Steel Priority Committee in making priority allocation in the matter of regulating despatches of iron and steel:—

The Steel Priority Committee may take into consideration the estimated availability during a quarter and allocate priorities for despatches of different categories of steel to consumers. In doing so, they will also earmark the quantities to be despatched to trade and to the stockyards. In deciding the allocations to others, the criterion mainly should be the end—use for which the material is required. Broadly speaking, any demand classified as "Operational" by Defence should be given the highest priority and met in full before other demands are considered. Other Defence demands, the demands of the Steel Plants themselves and export-oriented demands should also be given high priority. Important public sector projects, Rural electrification schemes, food grains godowns etc. are to be given priority. Some allocations may also be made to the industrial units, both in the large scale and small scale sector, for their normal functioning. After meeting the Defence "Operational" demands, the total picture of the demand from various sectors for the particular category of the particular size and quality under consideration may be taken, as against the availability and a judicious allocation made, bearing in mind the considerations mentioned above. After the draft proposals are finalised, detailed discussions may be held with all sponsoring authorities and any re-adjustments in the allocations among the different projects under the same authority may be agreed to if so desired. These proposals will then be discussed and approved at a meeting of the Steel Priority Committee.

[No. SC(I)-128(15)/72.]

A. N. RAJAGOPALAN, Dy. Secy.

इस्पात और खान मन्त्रालय

(इस्पात विभाग)

नई दिल्ली, 25 मिन्हवर, 1972

विषय :—इस्पात प्राथमिकता समिति के नियमांदर्शी मिद्दान्त

का० आ० 2953—नोहा तथा इस्पात (नियन्त्रण) आदेश 1956 की धारा 17(क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार लोटे तथा इस्पात के प्रेषणों के विनियमन के सम्बन्ध में इस्पात प्राथमिकता नियति द्वाग आवंटनों में प्राथमिकता प्रदान करने में मार्गदर्शन हेतु निम्नलिखित मार्गदर्शी मिद्दान्त बनाती है।

इस्पात प्राथमिकता परिषिकि को हर तिमाही में इस्पात की अनुमानित उपलब्धि को ध्यान में रखकर उपभोक्ताओं को विभिन्न श्रेणियों के इस्पात के प्रेषणों के लिए प्राथमिकता देनी चाहिए। ऐसा करने समय उसे व्यापारियों तथा स्टाक्यार्डों को प्रेषित की जाने वाली मात्रा को अनुग कर लेना चाहिए। अन्य लोगों के लिए आवंटन निश्चित करने की कसीटी मात्रा का अन्तिम उपयोग होना चाहिए जिसके लिए मात्रा की आवश्यकता है। भीटे तौर पर ऐसी किसी भी मांग को उच्चतम प्राथमिकता दी जानी चाहिए जिसका वर्गीकरण रक्षा मन्त्रालय ने "सांग्रामिक" किया हो तथा अन्य मांगों पर विचार करने से पहले उस मांग को पूर्णतया पूरा किया जाना चाहिए। रक्षा मन्त्रालय अन्य मांगों, इस्पात संघर्षों की निजी मांगों, तथा नियांतोन्मुख मांगों को भी उच्च प्राथमिकता दी जानी चाहिए। सरकारी क्षेत्र की मुख्य प्रायोजनाओं, ग्रामीण वैद्युतिकरण परियोजनाओं, अनाज गोदानों आदि को प्राथमिकता दी जाय। बड़े तथा लघु उद्योग क्षेत्र की औद्योगिक इकाइयों के लिए कुछ भी आवंटन किया जाना चाहिए जिससे वे सामान्य रूप से कार्य करती रहे। रक्षा की "सांग्रामिक" मांगों को पूरा करने के पश्चात उपर्युक्त तथा उपलब्धि को ध्यान में रखते हैं विभिन्न क्षेत्रों का विशेष श्रणी, साइज तथा किसी की कुल मांगों का हिसाब लगाकर न्यायोचित आवंटन किया जाना चाहिए। प्रस्तावों के मसीदों को अन्तिम रूप देने के पश्चात समस्त प्रायोजक प्राधिकारियों के साथ विस्तार पूर्वक विचार विमर्श किया जाना चाहिए तथा एक ही प्रायोजक प्राधिकारी के अधीन विभिन्न प्रायोजनों के बीच आवंटनों में यदि किसी हरकेर की मांग की जाये तो उसके लिए अनुमति दी जानी चाहिए। इसके पश्चात् इन प्रस्तावों पर इस्पात प्राथमिकता समिति की बैठक में विचार विमर्श करके इन्हें अनुमोदित किया जाना चाहिए।

[सं० एम०सी० (1) - 128 (15) / 72]

ए०ए० राजगोपालन, उप सचिव।

S.O. 2754.—In exercise of the powers conferred by section 9 of the Customs Act, 1962 (52 of 1962), the Central Board of Excise and Customs hereby declares MANALI in the State of Tamil Nadu to be a warehousing station.

[No. 116/72-Customs/F. No. 473/43/72-Cus.VII.]

केन्द्रीय उत्पाद-गुलक स्थौर सीमा शुल्क बोर्ड)

सीमा शुल्क

नई दिल्ली, 7 अक्टूबर, 1972

एस० ओ० 2754.—सीमा-शुल्क अधिनियम, 1962 (1962 का 52) की धारा 9 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय उत्पाद-गुलक स्थौर सीमा-शुल्क बोर्ड, तमिल नाडु राज्य में मनाली को एतद्वारा भाण्डागारण केन्द्र के रूप में घोषित करती है।

[सं० 116/72-सीमा शुल्क/फा०सं० 473/43/72-सीमा VII]

के० शंकररामन, अंकर सचिव।

**CENTRAL BOARD OF EXCISE AND CUSTOMS
CUSTOMS**

New Delhi, the 7th October 1972

S.O. 2755.—In exercise of the powers conferred by section 9 of the Customs Act, 1962 (52 of 1962), the Central Board of Excise and Customs hereby declares NARODA in the State of Gujarat to be a warehousing station.

[No. 117/72-Customs]F, No. 473/42/72-Cus.VII.
K. SANKARARARAMAN, Under Secy.

एस० ओ० 2755.—सीमा-शुल्क अधिनियम, 1962 (1962 का 52) की धारा 9 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय उत्पाद-गुलक स्थौर सीमा-शुल्क बोर्ड एतद्वारा गुजरात राज्य में नरोदा को भाण्डागारण केन्द्र के रूप में घोषित करता है।

[सं० 117/72-सीमा शुल्क/फा०सं० 473/42/72-सीमा VII]

MINISTRY OF FOREIGN TRADE

New Delhi, the 7th October 1972

S.O. 2756.—Whereas, in exercise of the powers conferred by section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government is of opinion that it is necessary or expedient so to do for the development of the export trade of India, that sulphuric acid should be subject to inspection prior to export;

And whereas the Central Government has formulated the proposals specified below for the said purpose and has forwarded the same to the Export Inspection Council, as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964;

Now, therefore, in pursuance of the said sub-rule, the Central Government hereby publishes the said proposals for the information of the public likely to be affected thereby.

2. Notice is hereby given that any person desiring to forward any objections or suggestions with respect to the said proposals may forward the same within thirty days of the date of publication of this notification in the Official Gazette to the Export Inspection Council, "World Trade Centre", 14/1B, Ezra Street (7th Floor), Calcutta-1.

Proposals

(1) To notify that sulphuric acid shall be subject to inspection prior to export,

(2) To recognise—

(a) the specifications for sulphuric acid as set out in the Annexure I to this notification, as the standard specifications for sulphuric acid,

(b) specifications in the export contract, provided that such specifications do not fall below the requirements prescribed in the said Annexure,

(3) To specify the type of inspection in accordance with the draft Export of Sulphuric Acid (Inspection) Rules, 1972, set out in Annexure II to this notification as the type of inspection which would be applied to such sulphuric acid,

(4) To prohibit the export, in the course of international trade of such sulphuric acid, unless the same is accompanied by a certificate issued by an agency recognised by the Central Government under section 7 of the Export (Quality Control and Inspection), Act 1963 (22 of 1963) to the effect that the sulphuric acid conforms to the aforesaid standard specifications.

3. Nothing in this notification shall apply to the export by land, sea or air of samples of sulphuric acid (not exceeding 1 kg) to the prospective buyers.

ANNEXURE

(Specifications for Sulphuric Acid)

[See sub-paragraph (2) (a) of paragraph 2]

1. There shall be four grades of the material, namely, technical, battery (concentrated & dilute), pure and analytical reagent.

1.1. **Technical Grade.**—The liquid shall not be darker than brown in colour. Subject to agreement between the buyer and the exporter, the material complying with all the requirements given in the Table, except specific gravity and strength of acid, may also be supplied as more dilute or more concentrated.

1.2. **Battery Grade (concentrated & dilute).**—Battery grade sulphuric acid shall be a colourless liquid, the concentrated acid on dilution with an equal volume of distilled water and the dilute acid as received, shall be free from suspended matter and other visible impurities. Subject to agreement between the buyer and the exporter, the material complying with all the requirements given in the Table, except specific gravity and strength of acid, may also be supplied as more dilute or more concentrated.

1.3. **Pure and Analytical Reagent Grades.**—It shall be a colourless liquid, free from suspended matter and other visible impurities.

1.4. The material shall also comply with the requirements given in the Table.

TABLE

(See sub-clause 1.4)

I. REQUIREMENT FOR SULPHURIC ACID :—

Sl. No.	Characteristic	Requirement for Grade				
		Technical		Battery		Analytical Reagent
		Concentrated	Dilute	Pure		
(1)	(2)	(3)	(4)	(5)	(6)	(7)
(i)	Specific gravity at 25° 25°C, Min.	1.825	1.825	1.216	1.825	1.825
(ii)	Sulphuric acid (as H ₂ SO ₄), percent by weight, min.	95.0	95.0	29.7	95.0	96.0
(iii)	Residue on ignition, percent by weight, Max.	0.2	0.06	0.02	0.01	0.0025
iv)	Iron (as Fe), percent by weight, Max.	0.05	0.002	0.0006	0.001	0.0001
(v)	Chlorides (as Cl), percent by weight, Max.	—	0.001	0.0003	0.0035	0.0003
(vi)	Heavy metals (as Pb), percent by weight, Max.	0.005	—	—	0.002	0.0002
(vii)	Arsenic (as As ₂ O ₃), percent by weight, Max.	0.01	0.0003	0.0001	0.0005	0.0001
(viii)	Oxidizable impurities (as SO ₂);	—	*To pass test	To pass test	0.004	0.0005
(ix)	Organic matter	..	**To pass test	—	—	—
(x)	Nitrates (as NO ₃), percent by weight, Max.	—	—	—	—	0.00002
(xi)	Ammonia (as NH ₃), percent by weight, Max.	—	—	—	—	0.0005
(xii)	Selenium (as Se), percent by weight, Max.	—	0.002	0.0006	—	—
(xiii)	Manganese (as Mn), percent by weight, Max.	—	0.0001	0.00003	—	—
(xiv)	Copper (as Cu), percent by weight, Max.	—	0.003	0.001	—	—
(xv)	Zinc (as Zn), percent by weight, Max.	—	0.003	0.001	—	—
(xvi)	Nitrates, Nitrites and ammonia (as N), percent by weight Max.—	—	0.003	0.001	0.003	—

*Test for Oxidizable impurities :—KMnO₄ Solution—exactly 0.01N.

(a) For Battery Grade (Concentrated and Dilute) Acids—Dilute one millilitre of the material to 10 ml with water, cool and add one millilitre of 0.01N potassium permanganate solution. The material shall be taken to have passed the test if the pink colour of the solution is not discharged at once.

(b) For Pure Grade Acid—Add 20 ml of the material slowly and with stirring, to 60 ml of water, cool and add 4 ml of potassium permanganate solution. The relevant limit prescribed in Table shall be taken as not having been exceeded if the mixture remains pink for 5 minutes.

(c) For Analytical Grade Acid—Carry out the test as in (b) above using 0.5 ml of potassium permanganate solution. The relevant limit prescribed in Table shall be taken as not having been exceeded if the mixture remains pink for 5 minutes.

**Test for Organic matter:—

Heat the acid in a clean beaker until the acid begins to fume strongly. The material shall be taken to have passed the test if it shows no perceptible charring.

2 Packing and marking for export.—When sulphuric acid is exported in the screw-stoppered stone bottles or glass carboys, the containers shall be fitted with leak proof stoppers and if required by the purchaser, provided with asbestos or rubber or polyethylene washers. The stopper shall further be sealed by a putty made of china clay, or a mixture of sodium silicate and asbestos flour, or a mixture of sulphur and sand.

Sulphuric acid of pure and analytical reagent grades shall be supplied in glass bottles or glass carboy fitted with tight-fitting ground glass stoppers and no washers shall be used in closing them. The use of suitable caps over the stoppers is also recommended.

The bottles or jars shall be packed in suitable packing cases. These shall be placed in an upright position on one layer of sand or ashes (free from cinders) or chalk or dry earth and the surrounding space shall also be filled with the same materials to prevent movement.

Glass carboys shall be packed in suitable iron hamper or wooden crates stuffed with straw or saw dust.

Polythene carboys suitable for the packaging of sulphuric acid are also permitted.

2.1. Marking.—The containers, and also the packages where possible, shall be suitably marked in red letters, giving the weight, name and grade of the acid; they shall prominently display the words—

“CORROSIVE, HANDLE WITH CARE”

ANNEXURE II

[See sub-paragraph (3) of paragraph 2]

Draft rules proposed to be made under section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963).

1. Short titles and commencement.—(1) These rules may be called the Export of Sulphuric Acid (Inspection) Rules, 1972.

(2) They shall come into force on the

2. Definition.—In these rules “sulphuric acid” means the sulphuric acid of any of the grades specified in the Annexure I annexed hereto.

3. Basis of Inspection.—Inspection of sulphuric acid for export shall be carried out with a view to seeing that the sulphuric acid conforms to the specifications recognised by the Central Government under section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963).

4. Procedure of Inspection.—(1) An exporter intending to export sulphuric acid, shall give intimation in writing of his intention so to do and submit along with such intimation a declaration of the specifications, stipulated in the contract relating to such export, to any one of the inspection agencies (hereinafter referred to as the agency) recognised under section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), to enable it to carry out the inspection in accordance with rule 3.

(2) Every intimation and declaration under sub-rule (1) shall be given not less than seven days before the expected date of shipment.

(3) On receipt of the intimation and declaration under sub-rule (2) the Agency shall inspect the consignment of sulphuric acid with a view to seeing that the same conforms to the specifications recognised by the Central Government under section 6 of the Export (Quality Control and Inspection) Act, 1963.

(4) If after inspection, the Agency is satisfied that the consignment of sulphuric acid to be exported complies with the requirements of rule 3, it shall, within seven days of the receipt of intimation and declaration under sub-rule (2), issue a certificate to the exporter declaring the consignment to be exportworthy.

5. Place of Inspection.—Every inspection under these rules shall be carried out either—

- (a) at the premises of the manufacturer of such products; or
- (b) at the premises at which the goods are offered by the exporter, provided adequate facilities for the purpose exist therein.

6. Inspection Fee.—Subject to minimum of Rs. 50 for each consignment a fee at the rate of forty paise for every one hundred rupees of the F.O.B. value for each such consignment shall be paid as inspection fee under these rules.

7. Appeal.—(1) Any person aggrieved by the refusal of the inspection agency to issue a certificate under sub-rule (4) of rule 4, may, within ten days of the receipt of communication of such refusal by him, prefer an appeal to such panel of experts consisting of not less than three persons as may be constituted by the Central Government for the purpose.

(2) The decision of the panel in such appeal shall be final.

[No. 6(14)/72-EIEP.]

विदेश व्यापार मंत्रालय

नई दिल्ली, 7 अक्टूबर, 1972

का० आ० 2756.—यतः नियर्ति (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार की यह राय है कि भारत के नियर्ति व्यापार के त्रिकास के लिए ऐसा करना आवश्यक या समीचीन है कि सल्फपूरिक अम्ल नियर्ति के पूर्व निरीक्षण के अधीन किया जाना चाहिए;

और यतः केन्द्रीय सरकार ने उक्त प्रयोजन के लिए नीचे दिए गए प्रस्ताव बनाए हैं और उन्हे नियर्ति (क्वालिटी नियंत्रण

और निरीक्षण) नियम, 1964 के नियम 11 के उपनियम (2) द्वारा यथा अपेक्षित नियर्ति निरीक्षण परिषद् को भेजे हैं;

यतः अब उक्त उप-नियम के अनुसरण में, केन्द्रीय सरकार, एतद्द्वारा उक्त प्रस्तावों को उनसे संभाव्यतः प्रभावित होने वाले जनसाधारण की जानकारी के लिए प्रकाशित करती है।

2. एतद्द्वारा सूचना दो जाती है कि उक्त प्रस्तावों के बारे में किन्हीं आक्षरों या सुझावों को भेजने को बांधा करने वाला कोई व्यक्ति उन्हें इस अधिसूचना के प्रकाशन को तारीख से तीस दिन के भीतर नियर्ति नियंत्रण परिषद्, 'वर्ल्ड ट्रेड सेंटर', 14/1 बी, एजरा स्ट्रीट, (सातवीं मंजिल) को भेज सकेगा।

प्रस्ताव

(1) यह अधिसूचित करना कि सल्फपूरिक अम्ल नियर्ति के पूर्व निरीक्षण के अधीन होगा।

(2) (क) इस अधिसूचना के उपबन्ध 1 में दिए गए विनिर्देशों को सल्फपूरिक अम्ल के लिए मानक विनिर्देशों के हर में मान्यता देगा।

(घ) नियर्ति संविदा के विनिर्देशों को मान्यता देना, परन्तु कि ऐसे विनिर्देश उक्त उपबन्ध में विहित अपेक्षाओं से कम न हों।

(3) इस अधिसूचना के उपावन्ध 11 में दिए गए सल्फपूरिक अम्ल का नियर्ति (निरीक्षण) नियम, 1972 के प्रबन्ध के अनुसार निरीक्षण के उस प्रकार को विनिर्दिष्ट करना, जो सल्फपूरिक अम्ल के नियर्ति के पूर्व निरीक्षण के लिए लागू किया जाएगा।

(4) अन्तराष्ट्रीय व्यापार के दौरान ऐसे सल्फपूरिक अम्ल के नियर्ति का तब तक प्रतिरोध करना जब तक उसके माथ नियर्ति (क्लासिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 के अधीन, केन्द्रीय सरकार द्वारा मान्यता प्राप्त किसी अभिकरण द्वारा इस आशय का प्रमाण-पद्धति न हो तिस सल्फपूरिक अम्ल पूर्वोत्तम मानक विनिर्देशों के अनुसर है।

3. इस अधिसूचना की कोई बात सल्फपूरिक अम्ल के नमूनों (1 किलोग्राम से अनधिक) के समुद्र, स्थल और वायु मार्ग द्वारा भविष्यलक्षी क्रेनाओं के नियर्ति को लागू नहीं होगी।

उपबन्ध-1

(सल्फपूरिक अम्ल के लिए विनिर्देश)

(पैरा 2 का उप-पैरा (2) (क) देखिए)

1. द्रव्य की चार श्रेणियां होंगी, अर्थात्:— तरहोंको, बैट्रो (सांकेतिक और तनु), शुद्ध तथा विश्लेषणात्मक प्रतिक्रिये

1.1 तकनीकी श्रेणी।—द्रव भूरे रंग से अधिक गहरा नहीं होगा। केता तथा नियर्ति-कर्ता के बीच करार के अधीन रहते हुए, अम्ल के विशिष्ट घनत्व तथा साद्रता के सिवाय सारणी में दो गई अपेक्षाओं

को पूरा करने वाला द्रव्य अधिक तनु या अधिक सांद्र के रूप में भी भेजा जा सकेगा।

1. 2 बैट्री श्रेणी (मांद्रित और तनु) :—बैट्री श्रेणी सल्फ्यूरिक अम्ल रंगहीन द्रव्य होगा, समान साक्षा में आसुत-जल को मिलाने पर सांद्रित अम्ल और यथा-प्राप्त तनुक्रत अम्ल, निलम्बित द्रव्य और अन्य द्रव्य अशुद्धताओं से मुक्त होंगे। क्रो. 2 तथा निर्यात कर्ता के बीच करार के अधीन रहते हुए, अम्ल के विशिष्ट घनत्व तथा

मांद्रता के सिवाय सारणी में दी गई अपेक्षाओं को पूरा करने वाला द्रव्य अधिक तथा अधिक सांद्र के रूप में भी भेजा जा सकेगा।

1. 3 शुद्ध तथा विशेषणात्मक प्रतिकर्मक श्रेणियां :—यह रंगहीन द्रव्य होगा जिसमें निलम्बित द्रव्य और अन्य द्रव्य अशुद्धताएं नहीं होंगी।

1. 4 द्रव्य सारणी में दी गई अपेक्षाओं के अनुरूप भी होंगा।

सारणी

(उप-धारा 1. 4 देखिए)

1. सल्फ्यूरिक अम्ल के लिए अपेक्षाएँ :—

क्रम संख्या	विशेषताएँ	श्रेणी की अपेक्षाएँ					
		तकनीकी	सांद्रित	तनु	शुद्ध	विशेषणात्मक प्रतिकर्मक	
1	2	3	4	5	6	7	
(1)	विशिष्ट घनत्व 25/25°सें. कम से कम	1.825	1.825	1.216	1.825	1.825	
(2)	सल्फ्यूरिक अम्ल (यथा एच 2 एस और 4) भार के आधार पर प्रतिशत, कम से कम	95.0	95.0	29.7	95.0	96.0	
(3)	प्रज्वलन पर अवशेष, भार के आधार पर प्रतिशत, अधिक से अधिक	0.2	0.06	0.02	0.01	0.0025	
(4)	लोहा (यथा) भार के आधार पर प्रतिशत, अधिक से अधिक	0.05	0.002	0.0006	0.001	0.0001	
(5)	क्लोराइड्स (यथा) भार के आधार पर प्रतिशत, अधिक से अधिक	—	0.001	0.0003	0.0033	0.0003	
(6)	भारी धातुएँ (यथा), भार के आधार पर प्रतिशत, अधिक से अधिक	0.005	—	—	0.002	0.0002	
(7)	आसनिक (यथा ए.० एस.० 2 और 3), भार के आधार पर, अधिक से अधिक	0.01	0.0003	0.0001	0.0005	0.00001	
(8)	आक्सीकरणीय अशुद्धताएँ (यथा एस.० 2)	—	*परीक्षण में सही उत्तरना	परीक्षण में सही उत्तरना	भार के आधार पर, अधिक से अधिक, 0.004	भार के आधार पर, अधिक से अधिक, 0.0005	
(9)	कार्बनिक द्रव्य	—	** परीक्षण में सही उत्तरना	—	—	—	
(10)	नाइट्रोटम (यथा एन और 3), भार के आधार पर प्रतिशत, अधिक से अधिक	—	—	—	—	0.00002	
(11)	अमोनिया (यथा एन एच 3), भार के आधार पर प्रतिशत, अधिक से अधिक	—	—	—	—	0.0005	
(12)	सिलिनियम (TGA), भार के आधार पर प्रतिशत, अधिक से अधिक	—	0.002	0.0006	—	—	

1	2	3	4	5	6	7
(13)	मैग्नीज (यथा Mn), भार के आधार पर प्रतिशत, अधिक से अधिक	—	0.0001	0.00003	—	—
(14)	तांबा (यथा Cu) भार के आधार पर प्रतिशत, अधिक से अधिक	—	0.003	0.001	—	—
(15)	जस्ता (यथा Zn), भार के आधार पर प्रतिशत, अधिक से अधिक	—	0.003	0.001	—	—
(16)	नाइट्रोइन, नाइट्रोइन तथा अमोनिया (यथा एन), भार के आधार पर, अधिक से अधिक	—	0.003	0.001	0.003	—

*ग्राहकरणीय ग्रण्ड, धूताओं के लिए परीक्षण :— के एम एन और 4 घोल—विलिकुल 0.01 एन।

(क) बैड्री श्रेणी के अम्ल (सांकेतिक तथा तनु) के लिए एक मिलीलिटर द्रव्य को दस मिलीलिटर पानी में घोलिए, ठंडा कीजिए और इसमें 0.01 एन पोटाशियम परमेंगेट का एक मिलीलिटर घोल मिलाइये। यदि घोल के गुलाबी रंग का तुरन्त ही विसर्जन न हो जाए तो द्रव्य परीक्षण में सफल माना जाएगा।

(ख) शुद्ध श्रेणी के अम्ल के लिए—20 मिलीलिटर द्रव्य को 60 मिलीलिटर पानी में हिलाते हुए, धीरे धीरे मिलाइये, ठंडा कीजिए और इसमें पोटाशियम परमेंगेट का 4 मिलीलिटर घोल मिलाइये। यदि वह मिश्रण 5 मिनट तक गुलाबी रहता है तो यह मान लिया जाएगा की सारणी में दी गई सीमा का अतिकर्मण नहीं हुआ है।

(ग) विश्लेषणात्मक प्रतिकर्मक श्रेणी के अम्ल के लिए—0.5 मिलीलिटर पोटाशियम परमेंगेट घोल का प्रयोग करन हुए उपरोक्त (ख) में दिया हुआ परीक्षण कीजिए। यदि मिश्रण 5 मिनट तक गुलाबी रहता है तो यह मान लिया जाएगा की सारणी में दी गई सीमा का अतिकर्मण नहीं हुआ है।

**ग्राहकर्वनिक पदार्थ के लिए परीक्षण :— अम्ल को साफ बीकर में तब तक गरम कीजिए जब तक कि उसमें खूब धूताओं न उठने लगे। यदि वह स्पष्ट रूप से जला हुआ प्रतित न हो, तो उसे परीक्षण में सफल मान लिया जाएगा।

2. निर्यात के लिए पैकिंग तथा चिह्नन :— जब सल्फ्यूरिक अम्ल का वैचाकार डाट बाली पत्थर की बोतलों या शीशों की कारबायों में निर्यात किया जाता है, तब इनमें टपके—रहित डाटे लगी होनी चाहिए तथा, यदि क्रेता द्वारा अपेक्षित हो, तो एसबेसटास या रबड़ या पोलिथिलिन के बाशर भी लगाए जाने चाहिए। डाट को चीनी मिट्टी की पट्टी से या सोडियम सिलिकेट तथा एसबेसटास चूर्ण के मिश्रण से या गंधक तथा रेत के मिश्रण से सील भी कर दिया जायगा।

शुद्ध तथा विश्लेषणात्मक प्रतिकर्मक श्रेणियों का सल्फ्यूरिक अम्ल शीशों की बोतलों या शीशों की कारबायों में, जिनमें पिसे हुए कांच की कस कर लगने वाली डाटें लगी होंगी तथा उन्हें बन्द करने में किसी बाशर का प्रयोग नहीं किया गया होगा, प्रशाय किया जायगा, डाटों के ऊपर समुचित कैप लगाने की सिफारिश भी की जाती है।

बोतलों या जार उपयुक्त पैकिंग पेटियों में पैक किए जाएंगे। ये रेत या राख की (श्रंगार रहित) या चाक या सूखी मिट्टी की परत बिछा कर सीधे खड़े रखे जाएंगे और उनके चारों ओर बाली स्थान में भी वही सामग्री हिलने—डुलने से रोकने के लिए भर दी जायगी।

शीशों की कारबायों को भूसे तथा बुरादे में भरी हुई उपयुक्त लोहे की टोकरियों या लकड़ी के शेटों में पैक किया जायगा।

सल्फ्यूरिक अम्ल की पैकिंग के लिए उपयुक्त पॉलिथोन की कारबायें भी अनमत हैं।

2.1 चिह्नन :— छिप्पों तथा पैकिंगों पर जहाँ शक्य होगा, वहाँ लाल अक्षरों में अम्ल का भार, नाम तथा श्रेणी भली प्रकार से चिह्नन की जाएगी। इन पर ये शब्द स्पष्ट रूप से दर्शित किए जाएंगे :—

“संशारक, सावधानी से बरताए”

उपांग II

(देखिए पैरा 2 का उप-परा (3)]

निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 के अधीन बनाए जाने वाले प्रस्तावित नियमों का प्रारूप।

1. संक्षिप्त नाम तथा प्रारम्भ :— (1) इन नियमों का नाम “सल्फ्यूरिक अम्ल” का निर्यात (निरीक्षण) नियम, 1972 होगा।

(2) ये को प्रवृत्त होंगे।

2. परिभाषा :— इन नियमों में ‘सल्फ्यूरिक अम्ल’ से इससे संलग्न उपांग 1 में विताइट श्रेणियों में से किसी का सल्फ्यूरिक अम्ल अभिप्रेत है।

3. निरीक्षण का आधार :— सल्फ्यूरिक अम्ल का निर्यात के लिए निरीक्षण इस व्रिटि में किया जायगा कि वह निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 के अधीन केन्द्रीय सरकार द्वारा मान्यताप्राप्त विनियोगों के अनुरूप है।

4. निरीक्षण की प्रक्रिया :— (1) सल्फरूरिक अम्ल के निर्यात का आशय रखने वाला कोई निर्यात-कर्ता, ऐसा करने के लिए अपने आशय की विभिन्न सूचना तथा ऐसी सूचना के साथ ऐसे नियंत्रण में संबंधित मंविदा में बताए गए विनिर्देशों की घोषणा निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 के अधीन मान्यता प्राप्त किसी एक अभिकरण को (जिसे इसमें इसके पश्चात अभिकरण कहा गया है) देगा ताकी नियम 3 के अनुसार निरीक्षण करने के लिए वह सक्षम हो।

(2) उप-नियम (1) के अधीन प्रत्येक सूचना तथा घोषणा पौत्र-भरण की आशयित तारीख के कम-से-कम 7 दिन पहले दी जायगी।

(3) उप-नियम (2) के अधीन सूचना तथा घोषणा की प्राप्ति पर, अभिकरण सल्फरूरिक अम्ल के परेषण का निरीक्षण इस ड्रिटि से करेगा कि वह निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 की धारा 6 के अधीन केन्द्रीय सरकार द्वारा मान्यता प्राप्त विनिर्देशों के अनुरूप है।

(4) यदि निरीक्षण के पश्चात अभिकरण का यह समाधान हो कि निर्यात किया जाने वाला सल्फरूरिक अम्ल का परेषण, नियम 3 की अपेक्षाओं का अनुपालन करता है तो वह उप-नियम (2) के अधीन सूचना तथा घोषणा की प्राप्ति पर सात दिन के भीतर निर्यात-कर्ता को परेषण निर्यात-योग्य है यह घोषणा करते हुए प्रमाण पत्र देगा।

5. निरीक्षण का स्थान :— प्रत्येक निरीक्षण, इन नियमों के अधीन :—

- (क) या तो ऐसे उत्पादों के विनिर्माता के परिसर में, या
- (ख) निर्यात-कर्ता द्वारा ऐसे प्रस्तावित स्थान पर किया जाएगा, परन्तु इस प्रयोजन के लिए वहां पर पर्याप्त सुविधाएं विद्यमान हों।

6. निरीक्षण फीस :— इन नियमों के अधीन, ऐसे परेषण के लिए प्रत पर्यावर्त निःशुल्क मूल्य के प्रत्येक एक सौ रुपये के लिए चालीस पैसे की दर से फीस, प्रत्येक परेषण के लिए कम-से-कम 50 रु. के अधीन रहते हुए, निरीक्षण फीस के रूप में दी जायगी।

7. अपील .—(1) नियम 4 के उप-नियम (4) के अधीन निरीक्षण अभिकरण के प्रमाण-पत्र देने से इंकार से व्यक्ति कोई व्यक्ति, उसके द्वारा इस प्रकार के इंकार की सूचना के दस दिन के भीतर, तीन व्यक्तियों से अन्यून्य क्षियेषज्ज्ञों के ऐसे पैनल की अपील कर सकेगा जो केन्द्रीय सलकार द्वारा इस प्रयोजन के लिए गठित किया जाए।

(2) ऐस अपील पर पैनल का विनिश्चय अन्तिम होगा।

[सं. 6(14) 72-नि० नि० तथा नि० स०]

S.O. 2757.—Whereas the Central Government is of opinion, that in exercise of the powers conferred by section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963). It is necessary or expedient so to do for the development of the export trade of India to amend the notification of the Government of India in the late Ministry of Commerce, No. S.O. 1270, dated the 25th March, 1966, in the manner specified below:

And whereas the Central Government has forwarded the proposal in that behalf to the Export Inspection Council, as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964;

Now, therefore, in pursuance of the said sub-rule the Central Government hereby publishes the said proposal for the information of the public likely to be affected thereby.

2. Notice is hereby given that any person desiring to forward any objections or suggestions with respect to the said proposal may forward the same within thirty days from the date of publication of this notification in the Official Gazette to the Export Inspection Council, "World Trade Centre", 14/1B, Ezra Street (7th Floor), Calcutta-1.

Proposal

The notification of the Government of India in the late Ministry of Commerce, No. S.O. 1270, dated the 25th March, 1966, shall be amended as follows, namely:—

In the Schedule to the said notification, the serial number and entry "3. Sulphuric Acid (battery grade)" shall be omitted and consequently serial numbers 4 to 21 shall be re-numbered as serial numbers 3 to 20 respectively.

[No. 6(14)/72 EIEP]

M. K. B. BHATNAGAR,
Dy. Director, (Export Promotion).

का० आ० 2757.—यतः केन्द्रीय सरकार की यह रा० ३ के निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 द्वारा प्रस्तावित व्यापार के विकास के लिए भारत सरकार के भूत्तपूर्व वाणिज्य मंत्रालय की अधिसूचना सं० का० आ० 1270, तारीख 25, मार्च 1966 में नीचे विनिर्दिष्ट रीति में मंशोधन करना आवश्यक तथा समीचीन है :

ओर या० केन्द्रीय सरकार ने इन निमित्त प्रस्ताव निर्ति (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 11 के उप-नियम (2) द्वारा यथाअपेक्षित, निर्यात निरीक्षण परिविद को भेज दिया है ;

अतः यव, उक्त उप-नियम के अनुसरण में, केन्द्रीय सरकार उक्त प्रस्ताव को उसमें समाव्यतः प्रभावित होने वाले जनमाधारण की जानकारी के लिए एतद् द्वारा प्रकाशित करती है।

2. एतद् द्वारा सूचना दी जाती है कि उक्त प्रस्ताव के गारे में किन्हीं आपेक्षाओं या सुझावों को भेज की जाना करने वाला कोई व्यक्ति उन्हें इस अधिसूचना के प्रकाशण के तारीख से तीस दिन के भीतर विर्यात निरीक्षण परिषद्, बल्ड ट्रेड मेन्टर, 14/1-बी गंजरा स्ट्रीट (सातवीं मंजिल), कलकत्ता-1 को भेज सकेगा।

प्रस्ताव

परिमाणस्वरूप 4 से 21 तक क्रम संख्याएँ क्रमशः 3 से 20 तक क्रम संख्याओं के स्पष्ट में पुनःसंख्यांकित की जाएंगी।

भारत सरकार के भूतपूर्व वाणिज्य मंत्रालय की अधिसूचना सं. का. आ. 1270, तारीख 25 मार्च, 1966 को निम्नलिखित रूप से संशोधन किया जायगा, अर्थात् :—

उक्त अधिसूचना की अनुसूची में, क्रम संख्या और प्रविष्टि “3— सरकारी अन्त्र (बैट्री श्रेणी)” लुप्त की जायगी, तथा

[सं. 6(14) 72—नि. नि. तथा नि. सं.]

एम. के. बी. भट्टाचार्य,
उप-निदेशक (नियंति संवर्धन)।

MINISTRY OF INDUSTRIAL DEVELOPMENT

Indian Standards Institution

New Delhi, the 22nd June 1972

S. O. 2758.—Certification Mark, Licenses, details of which are mentioned in the Schedule given hereafter, have lapsed or their renewals deferred :

THE SCHEDULE

Sl. No.	licence No. & Date of Issue	Name & Address of the Licensee	Article/Process and the Relevant IS : Designation	S. O. Number and date of the Gazette Notifying Grant of Licence	Remarks
(1)	(2)	(3)	(4)	(5)	(6)
1	CM/L-232 17-10-1960	Asian Plywood Products, Village Kakajan, Naharkatia, P. O. Jeypore (Assam).	Tee-chest plywood panels— IS: 10-1964.	S. O. 2659 dated 5-II-1960.	Deferred after 31-1-1972.
2	CM/L-347 29-9-1961	The Mysore Electro-Chemical Lead-acid storage batteries Works Limited, Rajajinagar, Yeswantpur, Bangalore (Mysore State).	for motor vehicles, light duty— IS: 395-1962.	S. O. 2447 dt. 14-10-1961.	Lapsed after 15-4-1972.
3	CM/L-374 29-9-1961	Abrol Engineering Co., Circular Road, Kapurthala(Pb.)	Metal clad switches 15 amps, 250 volts— IS: 4064-1967.	S. O. 1062 dt. 7-4-1962.	Deferred after 31-3-1972.
4	CM/L-586 26-9-1963	Tar & Bitumen Products Pvt. Ltd., 63/1, Belgachia Road, Calcutta.	Bitumen felts— IS: 1322-1965.	S. O. 2959 dt. 19-10-1963.	Renewal was deferred after 15-10-1968 the licence now stands lapsed after that date.
5	CM/L-527 18-2-1964	Do.	Hot applied sealing compounds— IS: 1834-1961.	S. O. 943 dt. 21-3-1964.	Renewal was deferred after 15-6-1968; the licence now stands lapsed after that date.
6	CM/L-628 18-2-1964	Do.	Preformed fillers for expansion joint in concrete, non-extruding and resilient type (bitumen-impregnated fibre)— IS: 1838-1961	S. O. 943 dt. 21-3-1964.	Renewal was deferred after 15-6-1968; the licence now stands lapsed after that date.
7	CM/L-1371 26-12-1966	Hindustan Safety Glass Works Pvt. Ltd., Mahesh Mukherjee Feeder Road, Ariahad 24 Parganas.	Laminated and heat treated safety glass— IS: 2553-1964.	S. O. 243 dt. 21-1-1967.	Deferred after 31-3-1972.
8	CM/L-1596 26-12-1967	General Industries Corp. P. 2/4, Taratala Road, Calcutta-24.	Plaster of paris, Grade 1- IS: 2333-1963.	S. O. 284 dt. 20-1-1968.	Renewal was deferred after 31-12-1971, the licence now stands lapsed after that date.

(1)	(2)	(3)	(4)	(5)	(6)
9	CM/L—1663 27-3-1968	Oswal Electricals, 49 Industrial Area, Faridabad (Haryana).	Single-phase small ac and universal electric motors with class 'A' insulation 0.18 kw (1/4HP) to 0.75 kw (1 HP) ... IS: 996—1964.	S. O. 1470 dt. 27-4-1968.	Deferred after 15-3-1972.
10	CM/L—1680 23-4-1968	Pathardihi Engineering works, P. O. Pathardihi (Dhanbad).	Structural steel (standard quality)—IS: 226—1969.	S. O. 2127 dt. 15-6-1968.	Deferred after 30-4-1972.
11	CM/L—1681 23-4-1968	Do.	Structural steel (ordinary quality)—IS: 1977—1969.	S. O. 2127 dt. 15-6-1968.	Deferred after 30-4-1972.
12	CM/L—1684 30-4-1968	Marvel Pvt. Ltd, C/18, Naroda Endrin Industrial Estate, Ahmedabad.	Emulsifiable concentrates—IS: 1310—1958.	S. O. 2127 dt. 15-6-1968.	Renewal was deferred after 30-4-1969; the licence now stands lapsed after that date.
13	CM/L—1701 17-5-1968	Agro Industrial Chemical Co, BHC dusting powders—13A Kalyani View, Rudrapur (Nainital).	dt. 6-7-1968.	S. O. 2426 dt. 6-7-1968.	Lapsed after 31-3-1972.
14	CM/L—1741 12-7-1968	Surrendra Industries (Bombay) Pvt. Lt., Pokhran Road Majiwada Village, Thana	Structural steel (standard quality)—IS: 226—1969.	S. O. 3150 dt. 14-9-1968.	Lapsed after 31-3-1972.
15	CM/L—1742 12-7-1968	Do.	Structural steel (ordinary quality)—IS: 1977—1969.	S. O. 3150 dt. 14-9-1968.	Lapsed after 31-3-1972.
16	CM/L—1957 23-4-1969	Penta Chem Station Road, Ahmednagar (Maharashtra).	Copper oxychloride water dispersible powder concentrates—IS: 1507 — 1966.	S. O. 2238 dt. 7-6-1969.	Deferred after 15-4-1972.
17	CM/L—1958 28-4-1969	The Lansdowne Jute Co. Ltd., 200, Dakhindari Road, Calcutta-48.	Hessian bags—IS: 3790—1966.	S. O. 2238 dt. 7-6-1969.	Lapsed after 15-4-1972.
18	CM/L—2058 26-8-1969	Eastern Electrical Co. (P) Ltd. 26/22, Aerodrome Road, Singanallur Post, Coimbatore-5 (Tamil Nadu).	Three-phase induction motors—IS: 325—1961.	S. O. 3930 dt. 27-9-1969.	Deferred after 29-2-1972.
19	CM/L—2201 8-1-1970	Sree Iron Foundry & Engg Works, Pvt. Ltd, 63, G. T. Road, Liluah, Howrah (W. Bengal).	Flushing cisterns for water closets and urinals—IS: 774—1964.	S. O. 771 dt. 28-2-1970.	V Renewal was deferred after 15-1-1971; the licence now stands lapsed after that date.
20	CM/L—2203 14-1-1970	Ashok Traders Plot No. 129 -C, Govt Industrial Estate, Kankivli W. Bombay.	DDT water dispersible powder concentrates—IS: 565—1961.	S. O. 771 dt. 28-2-1970.	Lapsed after 15-3-1972.
21	CM/L—2359 2-7-1970	Elite Casting Co., Nagra Kishan Lal, Hithras Road, Agra (U.P.)	Flushing cisterns for water closets and urinals—IS: 774—1964.	S. O. 2109 dt. 29-5-1971.	Renewal was deferred after 15-7-1971; the licence now stands lapsed after that date.
22	CM/L—2379 29-7-1970	Purushothem Goculdas Plywood Co., Pappinisseri, P. O. Cannanor Dist. (Kerala).	Wooden flush door shutters (Solid core type), with plywood face panels—IS: 2202 (Part I)—1966.	S. O. 2109 dt. 29-5-1971.	Renewal was deferred after 31-8-1971 ; the licence now stands lapsed after that date.
23	CM/L—2576 3-3-1971	Plastipal Chemical Corp., A-171, Wigle Industrial Estate, Thana (West) (Maharashtra).	Paint remover, solvent type, non-flammable—IS: 430—1964.	S. O. 2405 dt. 19-6-1971.	Deferred after 15-3-1972.
24	CM/L—2607 29-3-1971	Annapurna Metal Works, Near Bondel Road, Railway Crossing Tiljala, Calcutta-39	Sluice valves—IS: 780—1967.	S. O. 2405 dt. 19-6-1971.	Lapsed after 31-3-1972.
25	CM/L—2623 29-3-1971	National Agro Chemicals, C-2, BHC dusting powders—Ind. Area, Patna-13.	dt. 19-6-1971.	S. O. 2405 dt. 19-6-1971.	Lapsed after 31-3-1972.

(1)	(2)	(3)	(4)	(5)	(6)
26 CM/L—2624 29-3-1971	National Agro Chemicals, C 2, Industrial Area, Patna-13.	Aldrin dusting powders— IS: 1308—1958	S.O. 2405 dt. 19-6-1971	Lapsed after 31-3-1972.	
27 CM/L—2654 30-3-1971	Lucknow Fomtries Coron., Aishbagh, Goods Shed Road, Lucknow (U. P.).	Flushing cisterns for water closets and urinals— IS: 774—1964	S.O. 2405 dt. 19-6-1971	Deferred after 31-3-1972.	

[No. CMD /13:14]

ग्रौवोर्क विकास मन्त्रालय

(भारतीय मानक संस्था)

नई दिल्ली, 22 जून, 1972

का० ओ० 2758.—नीचे जिन प्रमाणन मुद्रर लाइसेंसों के व्यौरे अनुमूली में दिए गए हैं या तो वे रद्द हो गए हैं अथवा उनका नवीकरण स्थगित कर दिया गया है :

अनुमूली

क्रम संख्या	लाइसेंस संख्या तथा जारी होने की तिथि	लाइसेंसधारी का नाम और पता	बन्नु/प्रक्रिया और तत्सम्बन्धी पदनाम	एम० ओ० संख्या तथा लाइसेंस स्वीकृति छपने वाले गजट की तारीख	विवरण
-------------	--------------------------------------	---------------------------	--------------------------------------	-----------------------------------------------------------	-------

(1)	(2)	(3)	(4)	(5)	(6)
-----	-----	-----	-----	-----	-----

1 सी एम/एल-232 अबम प्लाइड्रुड प्रॉडक्ट्स, चाव की रेटियों के प्लाइड्रुड के एस०ओ० 2659, दिनांक 31-1-1972 के 17-10-1960 गांव काकोजन, नहोरनाटिया, तछो—
डाकघर जयपुर (असम)। IS: 10-1964 5-11-1960 बाद स्थगित।

2 सी एम/एल-347 दि मैसूर इलेक्ट्रो ऐमिकन 29-9-1961 वक्स लि०, राजाजोनगर, यशवन्तपुर, वैंगलीर(मैसूर राज्य)। IS: 395-1962 मोटर गाड़ियों के लिए सीसा-अम्ल संग्राही बैटरियां (हल्को ड्यूटी वालों)। एम० ओ० 2447 15-4-1972 के दिनांक 14-10-1961 बाद रद्द।

3 सी एम/एल-374 अबरोल इंजीनियरिंग कं० 29-9-1961 सरकुलर रोड, कपूरथला, (पंजाब)। धानु केंद्रकनशार मिशन, 15 पास्पी, एस ओ० 1062 दिनांक 31-3-1972 के 250 बोल्ट वाले— 7-4-1962 बाद स्थगित। IS: 4064-1967

4 सी एम/एल-586 टार एंड विट्यूमेन प्रॉडक्ट्स 26-9-1963 प्रा० लि०, 63/1, वेलगढ़िया रोड, कलकत्ता। विट्यूमेन के नमदे— IS : 1322:1965 एस०ओ० 2959, दिनांक 19-10-1963 इस लाइसेंस का नवीकरण 15-10-1968 को स्थगित किया गया था, अब उसी तिथि से रद्द माना जाए।

(1)	(2)	(3)	(4)	(5)	(6)
5 सी एम/एल-627 18-2-1964	टार्फैण्ड बिट्यूमेन प्राउफ्ट्स गर्म लगाए जाने वाले सील करने प्रा० लि०, 63/1, बैल- गद्धिया रोड, कलकत्ता ।	टार्फैण्ड बिट्यूमेन प्राउफ्ट्स गर्म लगाए जाने वाले सील करने प्रा० लि०, 63/1, बैल- गद्धिया रोड, कलकत्ता । IS:1834-1961	एस०ओ० 943 दिनांक 21-3-1964	इस लाइसेंस का नवीकरण 15-6-1968 को स्थगित किया गया था, अब उसी तिथि से रद माना जाए ।	
6 सी एम/एल-628 18-2-1964	कंफ्रीट में प्रसार जोड़ों के लिए पूर्वनिर्मित फिलर, इव कर न निकलने वाले और लचकीले प्रकार के (बिट्यूमेन सना फाइ- बर) — IS:1838-1961	कंफ्रीट में प्रसार जोड़ों के लिए पूर्वनिर्मित फिलर, इव कर न निकलने वाले और लचकीले प्रकार के (बिट्यूमेन सना फाइ- बर) — IS:1838-1961	एस०ओ० 943, दिनांक 21-3-1964	इस लाइसेंस का नवीकरण 15-6-1 67 को स्थगित किया गया था, अब उसी तिथि से रद माना जाए ।	
7 सी एम/एल-1371 26-12-1966	हिन्दुस्तान सेप्टी ग्लास वर्क्स प्रा० लि०, महेश मुखजी फीडर रोड, अरियादह, 24-परगना ।	परतदार सुरक्षा कॉर्च— IS:2553-1964	एस०ओ० 243, दिनांक 21-1-1967	31-1-1972 के बाद स्थगित	
8 सी एम/एल-1596 26-12-1967	जनरल इंडस्ट्रीज कारपोरेशन, पैरिस प्लास्टर, ग्रेड 1 पी 2/4, तागटोला रोड, IS:2333-1963 कलकत्ता-24 ।	परतदार सुरक्षा कॉर्च— IS:2553-1964	एस०ओ० 284, दिनांक 20-1-1968	इस लाइसेंस का नवीकरण 31-12-1971 को स्थगित किया गया था, अब उसी तिथि से रद माना जाए ।	
9 सी एम/एल-1663 27-3-1968	ओमवाल इलेक्ट्रिकल्स, 49 इंडस्ट्रियल एरिया, फरीदा- वाद (हरयाणा)	एक फेंगी छोटे ए सी और यूनिवर्सल इलेक्ट्रिक मोटर, ग्रेड 'ए' रोधक वाले, 0.18 कि० वा० (1/4 हा० पा०) से 0.75 कि० वा० (1 हा० पा०) — IS: 996-1964	एस०ओ० 1470, दिनांक 27-4-1968	एस०ओ० 1470, दिनांक 27-4-1968 के बाद स्थगित ।	15-3-1972
10 सी एम/एल-1680 23-4-1968	पाथरडीह इंजीनियरिंग वर्क्स, मंरचना इस्पात (मानक किस्म) डाकघर, पाथरडीह (धन- वाद) ।	पाथरडीह इंजीनियरिंग वर्क्स, मंरचना इस्पात (मानक किस्म) डाकघर, पाथरडीह (धन- वाद) । IS : 226-1969	एस०ओ० 2127, दिनांक 15-6-1968	एस०ओ० 2127, दिनांक 15-6-1968 के बाद स्थगित ।	30-4-1972
11 सी एम/एल-1681 23-4-1968	"	संरचना इस्पात (साधारण किस्म) IS : 1977-1969	एस०ओ० 2127 दिनांक 15-6-1968	एस०ओ० 2127 दिनांक 15-6-1968 के बाद स्थगित ।	30-4-1972

(1)	(2)	(3)	(4)	(5)	(6)
12	सी एम/एल-1684 30-4-1968	मार्गवल प्रा० लि० मी०/१८, नरोदा इंडिस्ट्रियल हस्टेट, ग्रहमदाबाद	एन्टिक्वन पायसनीय तेज द्रव्य- IS:1310-1958	एस ओ 2127 दिनांक 15-6-1968	इस लाइसेंस का नवीकरण 39-4-1969 को स्थगित किया गया था, अब उसी तिथि से रद्द माना जाए।
13	सी एम/एल-1701 17-5-1968	ऐप्री इंडिस्ट्रियल केमिकल कं०, बी एच सी धूलन पाउडर- पुर. (नैतीताल)	13-ग, कल्याणी विघू, नद- पुर.	एस ओ 2426 दिनांक 6-7-1968	31-3-1972 के बाद रद्द
14	सी एम/एल-1741 12-7-1968	मुरेन्ड्र इंडस्ट्रीज (बम्बई) प्रा० लि० पोखरन, रोड, मार्जिवाड़ा गांव, थाना	संचरना इस्पात (मानक किस्म)- IS:226-1969	एस ओ 3150 दिनांक 14-9-1968	31-3-1972 के बाद रद्द
15	सी एम/एल-1742 12-7-1968	,,	संचरना इस्पात (साधारण स्किम) IS:1977-1969	एस ओ 3150 दिनांक 14-9-1968	31-3-1972 के बाद रद्द
16	सी एम/एल-1957 23-4-1969	पेंटा केम, स्टेशन, रोड, ग्रह- मदनगढ़ (महाराष्ट्र)	सी ओ सी जल विसर्जनीय तेज चूर्ण- IS:1507-1966	एस ओ 2238 दिनांक 7-6-1969	15-4-1972 के बाद स्थगित
17	सी एम/एल-1958 28-4-1969	दि० नैन्सडाउन जूट कं० लि०, 200 दिक्किनदरी रोड, कलकत्ता-48	जूट के बोरे— IS:3790-1966	एस ओ 2238 दिनांक 7-6-1969	15-4-1972 के बाद रद्द
18	सी एम/एल-2058 26-8-1969	ईस्टर्न इनेसिन्कल कं० (प्रा०) लि० 26/22, ऐरोड्राम रोड, सिंगललूर पोस्ट, कोयम्ब- तूर-5 (तमिलनाडु)	तीन फेजी प्रेरण मोटर- IS:325-1961	एस ओ 3930 दिनांक 27-9-1969	29-2-1972 के बाद स्थगित
19	सी एम/एल-2201 8-1-1970	श्री आयरन काउंट्री प्रॅंड इंजी- नियरिंग वर्क्स, प्रा० लि०, 63, श्री० टी० रो०, लिलवा, हावड़ा (पं० बंगाल)	मूत्रालयों श्रीर डब्ल्यू सी में लगने वाली फलाश की टंकियां— IS:774-1964	एस ओ 771 दिनांक 28-2-1970	इस लाइसेंस का नवीकरण 15-1-1971 को स्थगित किया गया था, अब उसी तिथि से रद्द माना जाए।
20	सी एम/एल-2209 14-1-1970	अणोक ट्रेडस प्लाट मं० 129-सी, गवनमेंट इंड- स्ट्रियल इस्टेट, कांडोबली पश्चिम बंगाल	शी डी टी जल विसर्जनीय तेज चूर्ण- IS:565-1961	एस ओ 771 दिनांक 28-2-1970	15-3-1972 के बाद रद्द
21	सी एम/एल-2359 2-7-1970	एलाइट कार्मिंग कं०, नगरा किशन लाल, हाथरम रोड, आगग (उ० प्र०)	मूत्रालयों श्रीर डब्ल्यू सी में लगने वाली फलाश की टंकियां— IS:774-1964	एस ओ० 2109 दिनांक इस का नवीकरण 15-7-1971 को स्थगित किया गया था, अब उसी तिथि से रद्द माना जाए।	

(1)	(2)	(3)	(4)	(5)	(6)
22	मी एम/एल-2379 29-7-1970	पुरुषोन्म गुकुल दास प्लाइ- वुड कं० पप्पिनिमेरी, डाक- घर कन्नायूर जिला (केरल)	लकड़ी के समतल कपाट (ठोस मध्य भाग वाले), ऊपर प्लाइ- वुड के तख्ते लगे हुए- IS:2202(भाग 1)-1966	एस ओ 2109 दिनांक 29-5-1971	इस लाइसेंस का नवीकरण 31-8-1971 को स्थगित किया गया था, अब उसी तिथि से रद्द माना जाए।
23	सी एम/एल-2576 3-8-1971	प्लास्टिपीन केमिकल कार- पोरेशन ए-171, वागले इडस्ट्रियल इम्पेट, आना (पञ्चम) (महाराष्ट्र)	रंग रोगन अपसारक, धोलन- कन्मा, अज्वलन शील- IS:430-1964	एस ओ 2405 दिनांक 19-6-1971	15-3-1972 के बाद स्थगित
24	सी एम/एल-2607 29-3-1971	अन्नपूर्ण मेटल वर्क्स, निकट बोदल रोड, रेलवे ऋसिंग तिलजल, कलकत्ता-39	स्लूस वाल्व- IS:780-1967	एस ओ 2405 दिनांक 19-6-1971	31-3-1972 के बाद रद्द
25	सी एम/एल-2623 29-3-1971	नेशनल ऐयो केमिकल्स, सी- 2, इडस्ट्रियल एसिया पटना-13	बी एच सी धूलन पाउडर- IS:561-1962	एस ओ 2405 दिनांक 19-6-1971	31-3-1972 के बाद रद्द
26	सी एम/एल-2624 29-3-1971	„	एल्ड्रिंग धूलन पाउडर- IS:1308-1958	एस ओ 2405 दिनांक 19-6-1971	31-3-1972 के बाद रद्द
27	सी एम/एल-2654 .30-3-1971	लखनऊ फाऊंडरीज कार- पोरेशन रेशबाग, माल- गोदाम रोड लखनऊ (उ०प्र०)	मूत्रालयों और डब्ल्यू सी में लगान वाली फरग की टंकियाँ- IS:74-1964	एस ओ 2405 दिनांक 19-6-1971	31-3-1972 के बाद स्थगित

[सी एम डी/13:14]

New Delhi, the 27th June 1972

S.O.2759.—In pursuance of sub-regulation (1) of Regulation 8 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended from time to time, the Indian Standards Institution, hereby, notifies that one hundred and seventeen licences, particulars of which are given in the following Schedule, have been renewed during the month of October 1971.

THE SCHEDULE

Sl. No.	Licence No. and Date.	Period of Validity from to	Name & Address of the Licensee	Article/Process Covered by the Licence and the Relevant IS : Designation.	
1	2	3	4	5	6
1	CM/L-169 22-2-1960	16-9-1971 15-9-1972	Mysore Insecticides Co. Pvt. Ltd., Andhra Bank Building, 6 Linghi Chetty Street, Madras-1.	BHC DP—IS : 561-1962.	
2	CM/L-204 28-6-1960	16-10-1971 15-10-1972	Jaipur Metals & Electricals Ltd., Near Railway Station, Jaipur.	Copper rods for boiler stay-bolts and rivets— IS : 288-1960.	
3	CM/L-216 29-8-1960	1-9-71 15-12-72	Fort Gloster Industries Ltd., 31, Chouringhee Road, Calcutta 16.	Rubber-insulated cables and flexible cords for electric power and lighting (250/440 and 650/1100 volts grades)—IS : 434 (Parts I & II)—1964.	

1	2	3	4	5	6
4	CM/L-241 21-11-1960	16-8-71	15-8-72	Bharat Pulverising Mills Pvt. Ltd., Chinchpokli Cross Lane, Byculla, Bombay-8.	BHC WDP-IS : 562-1962.
5	CM/L-340 20-9-1961	16-9-71	15-9-72	Mysore Insecticides Co. Pvt. Limited, Andhra Bank Building, 6 Linghi Chetty Street, Madras-1.	DDT DP-IS : 564-1961.
6	CM/L-343 27-9-1961	16-10-71	15-10-72	S. G. Can Factory, Yamuna Nagar, Rly. Station Jagadgiri (Haryana).	18-Litre square tins-IS : 916-1966.
7	CM/L-348 11-10-1961	1-10-71	30-9-72	The Malwa Vanaspati & Chemical Co. Ltd., Bhagatpura, Indore.	18-Litre square tins-IS : 916-1966.
8	CM/L-403 2-4-1962	1-9-71	31-8-72	The Hindustan Mineral Products Co. Pvt. Ltd., Plot No. 27, Manganese Depot, Sewri, Bombay 22.	BHC DP-IS : 561-1962.
9	CM/L-429 30-6-1962	1-9-71	31-8-72	Do.	BIIC WDP-IS : 562-1962.
10	CM/L-440 31-7-1962	16-9-71	15-9-72	Mysore Insecticides Co. Pvt. Ltd., Andhra Bank Building, 6 Linghi Chetty Street, Madras 1.	Endrin EC-IS : 1310-1958.
11	CM/L-444 20-8-1962	1-9-71	31-8-72	Hindustan Steel Ltd., Rourkela Steel Project, Rourkela (Orissa).	Structural Steel (standard quality) IS : 226-1969.
12	CM/L-445 20-8-1962	1-9-71	31-8-72	Do.	Structural steel (high tensile)-IS: 961-1962.
13	CM/L-446 20-8-1962	1-9-71	31-8-72	Do.	Cold rolled carbon steel sheets-IS : 513-1963.
14	CM/L-447 20-8-1962	1-9-71	31-8-72	Hindustan Steel Ltd., Rourkela Steel Project, Rourkela, Orissa.	Hot rolled carbon steel sheet and strip-IS : 1079-1968.
15	CM/L-454 3-9-1962	16-9-71	15-9-72	J. D. Jones & Co., (Private) Ltd., 8, Danesh Sheikh Lane, Shibpore, Howrah.	(a) Graphite for paints-IS : 62-1950 (b) Graphite for use as foundry facing material-IS : 1305-1967.
16	CM/L-515 15-3-1963	1-10-71	31-3-72	A. M. Rehmani, 1863/Kalupur, Panchapatty, Ahmedabad-1.	Dye-based fountain pen inks, blue, green, red & black-IS : 1221-1957.
17	CM/L-532 30-4-1963	1-9-71	31-8-72	Hindustan Steel Ltd., Rourkela Steel Project, Rourkela, Orissa.	Structural steel (fusion welding quality)-IS : 2062-1969.
18	CM/L-573 29-8-1963	16-10-71	31-12-72	Nestle's Products (India) Ltd., Ludhiana-Ferozepur Link Road, Near Kingwah Canal, Moga (Punjab).	Condensed Milk, full cream, sweetened-IS : 1166-1957.
19	CM/L-579 11-9-1963	1-10-71	30-9-72	Dhierndra Metal Works, 7/1, Banaras Road, Salkia, Howrah.	Wrought aluminium utensils, Grade SIC-IS : 21-1959.
20	CM/L-580 11-9-1963	1-10-71	30-9-72	Kohinoor Paint Colour & Varnish Works, Chhcharta Near Railway Station, Amritsar.	(a) Enamel, interior -IS : 133-1965. (b) Enamel, synthetic, exterior, Type 1-IS : 2932-1964 and (c) Enamel, exterior, Type 2-IS : 2933-1964.
21	CM/L-587 26-9-1963	16-10-71	15-10-72	Wuyan Cement Factory, (M/s.) J. & K. Minerals Ltd. Wuyan District Anantnag (Kashmir).	Ordinary portland cement-IS: 269-1967.

	1	2	3	4	5	6
22	CM/L-610 31-12-1963	1-10-71	30-9-72	Asian Cables Corporation Ltd., Pokhran Road, Post Box No. 11, Thana (Maharashtra).	Type (a) <i>PVC Insulated Cables</i> (i) Single core (unsheathed) 250/440 and 650/1100 volts. Copper or aluminium (ii) Single core, twin, twin with ECC, 205—440 Cooper or three and aluminium four cores (PVC sheathed). (iii) Single core, twin, three & four cores circular (PVC) sheathed). 650/1100 volts. (b) <i>PVC Insulated Flexible Cords.</i> (iv) Twin twisted 250/440 Copper only (unsheathed). (v) Circular tow 250/440 Copper only core (PVC volts. sheathed). (vi) Circular 3 250/440 Copper only core (PVC volts. sheathed). (vii) Circular four 250/440 Copper only core (P.V.C. volts. sheathed). IS: 694—(Part & II)— 1964.	Conductor Grads
23	CM/L-672 14-5-1964	1-9-71	31-8-72	Hindustan Steel Ltd. Rourkela Steel Plant, Rourkela, Orissa.	Structural steel (ordinary quality)— IS : 1977-1969.	
24	CM/L-706 29-6-1964	16-II-71	15-5-72	Rama Rolling Mills, 156, Manicktola Main Road, Calcutta.	Structural steel (standard quality)— IS : 226-1969	
25	CM/L-707 29-6-1964	16-II-71	15-5-72	Do.	Structural steel (ordinary quality)— IS : 1977-69.	
26	CM/L-732 29-6-1964	1-II-71	31-10-72	Sri Rama Machinery Corp., Pvt. Ltd. Catholic Centre, 5/6 Armanian St., Madras.	Structural steel (standard quality)— IS : 226-1969.	
27	CM/L-733 29-6-1964	1-II-71	31-10-72	Do.	Structural steel (ordinary quality)— IS : 1977-1969.	
28	CM/L-774 24-8-1964	16-9-71	15-9-72	Anglo Brothers Ltd., 7, Ram Gopal Ghose Road, Cossipore, Calcutta-2.	Shellac, machine made, Grades D-1, D-2, I to IV—IS : 16-1956.	
29	CM/L-775 24-8-1964	16-9-71	15-9-72	Do.	Bleached lac, surface—dry IS: 17-1956.	
30	CM/L-776 28-9-1964	16-10-71	15-10-72	Bhagson Paint Industries (India) 16-A, DLF Industrial Area, Najafgarh Road, New Delhi-15.	Putty for use on metal frames—IS: 419-1957	
31	CM/L-793 30-9-1964	1-10-71	30-9-72	National Steel Works Ltd., Warden House (First Floor), Sir Firozeshah Mehta Road, Fort Bombay.	Structural steel (Standard quality — IS : 226-1969.	

1	2	3	4	5	6
32	CM/L-794 30-9-1964	1-10-71	30-9-72	National Steel Works Ltd., Warden House (First Floor), Sir Firozeshah Mehta Road, Fort Bombay.	Structural steel (ordinary quality) IS : 1977-1969
33	CM/L-1018 26-2-1965	16-9-71	15-9-72	Mysore Insecticides Co. Pvt. Ltd., Andhra Bank Building, 6, Linghi Chetty Street, Madras-1.	BHC EC—IS : 632-1966.
34	CM/L-1055 20-4-1965	1-10-71	15-3-72	Indian Mineral Industries Ltd., Trenching Ground Approach Road, Agarpura, 24 Parganas.	BHC DP—IS : 561-1962.
35	CM/L-1150 4-10-1965	1-10-71	30-9-72	Asian Cables Corporation Ltd., Pokhran Road, Post Box No. 11, Thana (Maharashtra).	PVC insulated (heavy duty) electric cables for working voltages upto and including 1100 volts with copper and aluminum conductors—IS : 1554 (Part I)-1964.
36	CM/L-1153 12-10-1965	16-10-71	31-12-72	Nastle's Products (India) Ltd., Ludhiana-Ferozepur Link Road, Near Kingwali Canal, Moga (Punjab).	Soluble coffee powder—IS : 2791-1964.
37	CM/L-1189 6-1-1966	16-10-71	31-12-72	Do.	Infant milk food—IS : 1547-1960.
38	CM/L-1213 25-2-1966	1-9-71	31-8-72	The Hindustan Mineral Products Co., DDT DP—IS : 564-1961. Pvt. Ltd., Plot No. 27, Manganese Depot, Sewri, Bombay-22.	
39	CM/L-1218 2-3-1966	16-9-71	15-9-72	United Wire Ropes Ltd., Marutikumar Raod, Panchpakhadi, Thana.	(a) Steel wire ropes for haulage purposes in mines—IS : 1856-1961 and (b) Steel wire ropes for winding purposes in mines—IS : 1855-1961.
40	CM/L-1319 29-8-1966	1-9-71	31-8-72	Dukart & Co., (P) Ltd., 83, Tapsia Road (South), Calcutta —46.	Integral cement water proofing compounds— IS : 2645-1964.
41	CM/L-1321 13-8-1966	16-8-71	15-8-72	Entoma Insecticides & Agro Chemicals (Kerala, A-3 Shd., In- dustrial Estate, Olavakkot, Palghat-2 (Kerala).	DDT—DP—IS : 564-1961.
42	CM/L-1322 30-8-1966	1-10-71	30-9-72	Multiworld Wire Co. (P) Ltd., Marol Maroshi Road, Marol, Bombay-59.	Hard-drawn steel wire fabric for concrete reinforcement—IS : 1566-1967.
43	CM/L-1327 31-8-1966	1-9-71	31-8-72	Imperial Chemical Industries (India) (P) Ltd., Rishra, Distt. Mooghly (W.B.)	Low density polythene pipes—IS : 3076- 1968
44	CM/L-1328 6-9-1966	16-9-71	15-9-72	S.R.P. Tools, Ltd., Lattice Bridge, Tiruvannmiyur, Madras -41.	Milling cutters—IS : 1830-1961.
45	CM/L-1329 6-9-1966	16-9-71	15-9-72	Do.	Reamers—IS : 1836-1961.
46	CM/L-1338 29-9-1966	1-10-71	30-9-72	Asian Cables Corporation Ltd., Pokhran Road, Post Box No. 11, Thana (Maharashtra).	Paper-insulated lead-sheathed cables, upto 11 kV only—IS : 692-1965
47	CM/L-1340 30-9-1966	1-10-71	30-9-72	Hyderabad Allwyn Metal Works Ltd., Sanatnagar, Hyderabad-18.	Welded low carbon steel glass cylinders for the storage and transportation of Liquefied petroleum gases—IS : 3196-1968.
48	CM/L-1356 30-11-1966	1-7-71	31-12-71	Travancore Chemical & Mfg. Co. Ltd. Elor, Udyogmandal P.O., Alwaye, (Kerala).	BHC WDP—IS : 562-1962.
49	CM/L-1465 26-6-1967	1-9-71	31-8-72	The Hindustan Mineral Products Co. Pvt. Ltd., Plot No. 27, Manganese Depot, Sewri, Bombay -22.	Malathion EC—IS : 2567-1963.
50	CM/L-1472 13-7-1967	1-9-71	31-8-72	Do.	Endrin EC—IS : 1310-1958.

1	2	3	4	5	6
51	CM/L-1480 24-7-1967	1-II-71	31-10-72	Howrah Light Casting Co. (P) Ltd., 74, Benaras Road, Howrah.	Sluice valves for waterworks purposes : Classes I and 2, upto 300 mm sizes— IS : 780-1969.
52	CM/L-1498 25-8-1967	1-10-71	30-9-72	Asian Cables Corporation Ltd., Pokhran Road, Post Box No. 11, Thuna (Maharashtra)	Hard-drawn stranded aluminium and steel cored aluminium conductors for overhead power transmission purposes— IS : 398-1961.
53	CM/L-1517 15-9-1967	16-9-71	15-9-72	Jayalakshmi Fertilisers, Venkatarayapuram, Tanuku, West Godavari Distt. (A.P.)	BHC dusting powders— IS : 561-1962.
54	CM/L-1518 15-9-1967	16-9-71	15-9-72	Do. [¶]	DDT WDP—JS : 565-1961.
55	CM/L-1519 15-9-1967	16-9-71	15-9-72	Do. [¶]	BHC WDP—IS : 562-1962.
56	CM/L-1520 15-9-1967	16-9-71	15-9-72	Do. [¶]	Endrin EC— IS : 1310-1958.
57	CM/L-1528 15-2-1967	16-9-71	15-9-72	Mysore Insecticides Co. P. Ltd., Andhra Bank Building 6 Linghi, Chetty Street, Madras-1.	Copper oxychloride WDP— IS 1507-1966
58	CM/L-1530 26-9-1967	1-10-71	30-9-72	Warren Metal Industries Ltd., 'H' Block Hide Road, Kidderpore, Calcutta-43.	Tea-chest metal fittings— IS : 10-1964.
59	CM/L-1545 9-10-1967	16-10-71	15-10-72	Eler Engineering Corp., Pvt. Ltd., Krishnarayapuram Road, Ganapathy post, Coimbatore-6	Three-phase induction motors, 2.2 kW (3hp), 3.7 kW(5hp), 5.5 kW(7.5hp) and 7.5 kW(10 hp) with class 'A' insulation. IS : 325-1961.
60	CM/L-1547 19-10-1967	1-II-71	30-4-72	M. B. Industries, Industrial Area, Jaipur West.	Cast-iron flushing cisterns high level, bell type 12.5 litres capacity—IS: 774-1964.
61	CM/L-1552 24-10-1967	1-II-71	31-10-72	Industrial Cables (India), Ltd., Industrial Area, Rajpura (Pb.)	Hard-drawn stranded aluminium and steel- aluminium conductors for overhead power transmission purposes— IS : 398-1961.
62	CM/L-1563 14-11-1967	16-8-71	15-2-72	Rajasthan Cable Industries, Pvt. Ltd., Heavy Industrial Area, Kota 3 (Rajasthan).	PVC insulated cables with aluminium conductors, 250/400 and 650/1100 volts grade, single core (unsheathed and PVC sheathed)— IS : 694-(Part II) 1964.
63	CM/L-1701 17-5-1968	1-10-71	31-3-72	The Agro Industrial Chemicals Co., 13-A, Kalyani View, Rudrapur (Nainital).	BHC dusting powder—IS : 561-1962.
64	CM/L-1781 30-8-1968	16-9-71	15-9-72	Chettinad Cement Corporation Ltd., Puliyar, Karur Taluk, Trichy Distt. (Tamil Nadu).	Ordinary portland cement— IS : 269-1967
65	CM/L-1789 16-9-1968.	1-10-71	30-9-72	Burmah Shell Oil Storage & Distributing Co. of India Ltd., Burmah Shell House, Ballard Es- tate, Bombay-1.	Hexane, food Grade—JS : 3470-1966.
66	CM/L-1792 16-9-1968	1-10-71	30-9-72	Khodiyar Pottery Works Ltd., Opposite Railway Station, Sihor (Gujarat).	Vitreous sanitary appliances— IS : 2556 (Pt. II to VI & X)—1967.
67	CM/L-1795 17-9-1968	1-10-71	30-9-72	Bhavnagar Vegetable Products Ltd., Bunder Road, Bhavnagar.	18 litre square tins—JS : 916-1966.
68	CM/L-1798 30-9-1968	1-10-71	31-3-72	Advani Oerlikon (P) Ltd., Vandalur, Malakorteyur Village, Chingelpet Distt. Tamil Nadu.	Covered electrodes for metal arc welding of mild steel—IS 814-1967.
69	CM/L-1804 9-10-1968	1-9-71	31-8-72	Hindustan Steel Ltd., Rourkela Steel Plant, Rourkela, Orissa.	Galvanized steelsheets (plain and corrugated) IS : 277-1969.

1	2	3	4	5	6
70	CM/L-1814 15-10-1968	16-10-71	15-10-72	I.. Madanjal (Aluminium) Pvt. Ltd., 2 Haren Mukherjee Road, Belur, Howrah.	Aluminium utensils, SIC grade—IS : 21 1959.
71	CM/L-1824 13-10-1968	1-11-71	30-4-72	Him Pine Industries, Harrawala, Distt. Dohra Dun.	Plywood tea-chest battens—IS : 10-1964
72	CM/L-1839 22-II-1968	1-10-71	31-3-72	The Agro Industrial Chemicals Co., 13-A, Kalyani View, Rudrapur (Nainital).	Aldrin emulsifiable concentrates—IS : 1307- 1958.
73	CM/L-1875 23-12-1968	1-10-71	30-9-72	Asian Cables Corporation Ltd., Pokhran Road, Post Box No. 11, Thana (Maharashtra).	Polythene insulated and PVC sheathed cables, single core and flat twin with aluminium conductors—IS : 1596-1962.
74	CM/L-1892 14-I-1969	16-9-71	15-9-72	Jayalakshmi Fertilizers, Venkatarayapuram, Tanuku, West Godavari Distt. (A.P.)	DDT DP—IS : 564-1961.
75	CM/L-1893 14-I-1969	16-9-71	15-9-72	Do.	Parathion EC—IS : 2129-1962.
76	CM/L-1931 27-2-1969	1-9-71	31-8-72	The Hindustan Mineral Products Co., Pvt. Ltd., Plot No. 27, Manganese Depot, Sewri, Bombay-22.	DDT WDP—IS : 565-1961.
77	CM/L-1948 31-3-1969	16-10-71	15-4-72	Bhagson Paint Industries (India), 16-A, DLF Industrial Area, Najafgarh Road, New Delhi-15.	Enamel, interior : (a) undercoating, (b) finishing, colour as required—IS : 133-1965.
78	CM/L-1954 16-4-1969	16-10-71	15-4-72	Do.	Ready mixed paint—IS : 123-1962. and IS : 3536-1966.
79	CM/L-1967 6-5-1969	16-9-71	15-9-72	Jayalakshmi Fertilizers, Venkatarayapuram, Tanuku, West Godavari Distt. (A.P.)	Malathion EC—IS : 2567-1963.
80	CM/L-1970 16-5-1969	16-10-71	15-10-71	Bhagson Paint Industries (India). 16-A, DLF Industrial Area, Najafgarh Road, New Delhi-15.	(a) Distemper, dry, colour as required— IS : 427-1965. (b) Distemper, oil emulsion, colour as required—IS : 428-1953.
81	CM/L-1975 22-5-1969	1-10-71	30-9-72	Kohinoor Paint Colour & Varnish Works, Chheharta—Near Railway Station, Amritsar.	(a) Distemper, dry, colour as required— IS : 427-1965. (b) Distemper, oil emulsion, colour as required—IS : 428-1969.
82	CM/L-2000 30-6-1969	1-10-71	30-9-72	Do.	Black Japan, Type 'A'—IS : 341-1952.
83	CM/L-2062 29-8-1969	1-9-71	31-8-72	Indo-Japan Steels Ltd., 5/1, G.T. Road, Belur, Howrah Distt.	Structural steel (standard quality)— IS : 226-1969.
84	CM/L-12063 29-8-1969	1-9-71	31-8-72	Do.	Structural steel (ordinary quality)— IS : 1977-1969.
85	CM/L-2066 8-9-1969	16-9-71	15-9-72	Industrial Electrodes & Gauges Ltd., 146, Andul Road, Howrah-3.	Covered electrodes for metal arc welding of mild steel normal penetration type— IS : 814-1967.
86	CM/L-2073 12-9-1969	16-9-71	15-9-72	Sangam Elec. & Mech. Industries, Plot No. 13/14, Industrial Estate, Sangli (Maharashtra).	Three-phase induction motors, squirrel cage, 2·2 kW (3 hp) and 3·7 kW (5 hp) ratings, four pole, 400/440 volts with class 'A' insulation only—IS : 325-1961.
87	CM/L-2093 30-9-1969	1-10-71	30-9-72	K. R. Steel Union Pvt. Ltd., 16-D, Industrial Area, Kalyani, Distt. Nadia (West Bengal).	Structural steel (standard quality)— IS : 226-1969.
88	CM/L-2094 37-9-1969	1-10-71	30-9-72	Do.	Structural steel (ordinary quality)— IS : 1977-1969.
89	CM/L-2100 30-9-1969	1-10-71	30-9-72	O. P. Oberoi & Co., College Road, Pathankot.	Plywood tea-chest battens—IS 10-1964.
90	CM/L-2101 30-9-1969	1-10-71	30-9-72	Nandi Provender Mills, 33, Najafgarh Road, Industrial Area, New Delhi-15.	Compounded feeds for cattle—IS : 2052-1962.

1	2	3	4	5	6
91	CM/L-2157 28-II-1969	1-10-71	30-9-72	Kohinoor Paint Colour & Varnish Works, Chhecharta—Near Railway Station, Amritsar.	Aluminium paint for general purposes in dual container—IS : 2339-1963.
92	CM/L-2158 28-II-1969	1-16-9-71	15-9-72	Mysore Insecticides Co. Pvt. Ltd., Andhra Bank Building, 6 Linghi Chetty Street, Madras-1.	BIIC DP—IS : 561-1962.
93	CM/L-2170 10-12-1969	1-16-9-71	15-9-72	Do."	DDT DP—IS : 564-1961.
94	CM/L-2194 31-12-1969	16-9-71	15-9-72	Sylvan & Company, 62/2, Chatla Road, Calcutta-27.	Tea-chest metal fittings—IS: 10-1964.
95	CM/L-2204 9-I-1970	16-7-71	15-1-72	Avadh Plywood Industries, Bahrain Road, Gonda (U.P.)	Plywood tea-chest battens—IS: 10-1964.
96	CM/L-2228 29-I-1970	1-11-71	31-10-72	Anant Industries (Regd.) Near M-30, Industrial Area, Jullundur City.	(a) Carpenter's metal bodied smooth bench planes nominal size 45, 50 and 60 mm only; (b) Carpenter's metal bodied jack bench planes, nominal size 50 and 60mm only and (c) Carpenter's metal bodied bench planes, nominal size 60 mm only—IS : 4057-1967.
97	CM/L-2285 30-3-1970	1-10-71	130-9-72	Asian Cables Corporation Ltd., Pokhran Road, Post Box No. 11, Thana (Maharashtra).	(a) Single core, 250/440 volts and 650/1100 volts grade with aluminium conductors ; and (b) twin-core, flat, 250/440 volts and 650/1100 volts grade with aluminium conductors— IS : 3035(Part-II)-1965.
98	CM/L-2294 31-3-1970	1-10-71	30-9-72	A. Paul Instrument Co., Ward No. 3, Jind (Haryana).	General purpose glass thermometers Schedule 7 & 8, range 0-300°C—IS: 2480-1964.
99	CM/L-2297 31-3-1970	1-10-71	31-3-72	Tropical Agrosystems (P) Ltd., 520/2B, Vanagaram Road, Ambattur, Madras-53.	BIIC DP—IS : 561-1962.
100	CM/L-2298 31-3-1970	1-10-71	31-3-72	Do.	DDT DP—IS : 564-1961.
101	CM/L-2399 31-8-1970	1-9-71	31-8-72	Gannon Dunkerley & Co. Ltd., Old B.P.T. Road, Mahul, Bombay-74 AS.	Welded low carbon steel gas cylinders of 33.3 litres water capacity for hestorage the and transportation of low pressure lique- fiable gases—IS : 3196-1968.
102	CM/L-2404 10-9-1970	16-9-71	15-9-72	Regal Products Private Ltd., 186, Royapettah High Road, Royapettah, Madras-14.	Dye-based fountain pen ink, blue— IS : 1221-1957.
103	CM/L-2406 11-9-1970	16-9-71	15-9-72	Jayalakshmi Agro Chemicals, Amaravathi Road, Gorantla Village, Limits P.O. Guntur 2, Guntur Distt. (A.P.).	BHC DP—IS : 561-1962.
104	CM/L-2408 11-9-1970	1-11-71	130-4-72	Artee Minerals, 15/7, Mathura Road, Faridabad (Haryana).	Endrin emulsifiable concentrates— IS : 1310-1968.
105	CM/L-2409 28-9-1970	1-10-71	130-9-72	Continental Industries, S/34-39, Industrial Estate, Bapunagar, Ahmedabad-21.	Metal heeled frames : (a) with wooden lateral supports and (b) with steel lateral supports—IS: 4465-1970
106	CM/L-2410 28-9-1970	1-10-71	31-5-72	All India Medical Corporation., Simpoli Road, Borivali (West) Bombay-66.	Malathion EC—IS : 2567-1963.
107	CM/L-2412 28-9-1970	1-10-71	30-9-72	Sunray Chemical Industries, Moti Lal Nehru Road, Agra.	BHC water dispersible powder concentrates— IS : 562-1962.
108	CM/L-2413 28-9-1970	1-10-71	31-3-72	Ramkrishna Kulwantri Steels, Private Ltd., 403-A, Tiruvottiyur High Road, (Next to Ajax Bus Terminus), Tiruvottiyur, Madras-19.	Structural steel (standard quality)— IS : 226-1969.
109	CM/L-2414 28-9-1970	1-10-71	31-3-72	Do.	Structural steel (ordinary quality)— IS : 1977-1969.

1	2	3	4	5	6
110	CM/L-2416 28-9-1970	1-10-71	31-3-73	The Tata Iron & Steel Co., Ltd., Jamshedpur.	Cold twisted deformed steel bars for concrete reinforcement—IS : 1786-1966.
111	CM/L-2418 30-9-1970	1-10-71	30-9-72	Multiplex Agro Chemicals (P) Ltd. Plot No. 184/11 & 184/12, Naroda Industrial Estate, Naroda, Ahmedabad.	BHC DP—IS : 561-1962.
112	CM/L-2419 16-10-1970	16-10-71	15-10-72	Manju Electrical Industries, Pollachi Road (12th Km.) Malumichampatti, Chettipalayam Post, Coimbatore Distt. (Tamil Nadu).	Three-phase induction motors upto 37 kW. (5 hp) 400/440 volts with class 'A' insulation—IS : 325-1967.
113	CM/L-2422 7-10-1970	16-10-71	30-6-72	National Pesticides, 5, Industrial Estate, Vidisha (MP.)	DDT dusting powders—JS : 564-1961.
114	CM/L-2424 12-10-1970	16-10-71	15-4-72	Som Engineering Corporation, 96-B, Co-operative Industrial Estate, Govind Nagar, Kanpur.	AC single-phase propellertype ventilating exhaust fan for use at voltage not exceeding 250 v, size 450 mm only—IS : 2312-1967.
115	CM/L-2425 14-10-1970	16-10-71	15-10-72	Narang Breweries, Nawabganj, Distt. Gonda (U.P.)	Beer—IS : 3865-1966.
116	CM/L-2428 19-10-1970	16-10-71	15-10-72	Hindustan General Industries Ltd., Nangloi, Delhi.	Welded low carbon steel gas cylinders for the storage and transportation of low pressure liquefiable gases of 33.8 litres water capacity—IS : 3196-1968.
117	CM/L-2430 30-10-1970	16-10-71	15-10-72	Rockweld Electrodes India Ltd., 29, Industrial Estate, Ambatturim Madras -58.	Covered electrodes for metal arc welding of mild steel, normal penetration type—IS : 814—1967.

[No. CMD/13:12.]

नई दिल्ली, 27 जून, 1972

एग्रो ओरो 2750.—समय समय पर संशोधित भारतीय मानक संस्था (प्रमाणित चिह्न) विनियम 1955 के विनियम 8 के उपविनियम (1) के अनुमार भारतीय मानक संस्था की ओर से अधिसूचित किया जाता है कि अक्टूबर 1971 में नीचे अनुसूची में विवरण सहित दिए गए 117 लाइसेंसों का नवीकरण किया गया है :—

अनुसूची

क्रम संख्या	लाइसेंस संख्या और तिथि	वैधता की अवधि में	लाइसेंसधारी का नाम और पता	लाइसेंस के अधीन वस्तु/प्रक्रिया और तत्सम्बन्धी :	पदनाम
(1)	(2)	(3)	(4)	(5)	(6)
1	सी एम/एन-169 22-2-1960	16-9-1971	15-9-1972	मैसूर इंसेक्टीसाइड्स कॉ. प्रा० न्डि०, आंध्र बैंक बिल्डिंग, 6 लिंगी चेट्टी स्ट्रीट, मद्रास-1	वी एच सी घूलन पाउडर— IS: 561-1962
2	सी एम/एन-204 28-6-1960	16-10-1971	15-10-1972	जयपुर मेटल्स एण्ड इलेक्ट्रिकल्स लि०, निकट रेलवे स्टेशन, जयपुर	ब्वायलर रोक काबलों और रिवेटों के लिए तांबे की छड़ी— IS: 288-1960
3	सी एम/एन-216 29-8-1960	1-9-71	15-12-72	फोर्ट ग्लोस्टर इंडस्ट्रीज लि०, 31, छौरंगी रोड, कलकत्ता-16	विजली की पावर और रोशनी के लिए रबड़ रोधित केबल और लच्चीली डोरियाँ (250 440 और 650/1100 बोल्ट प्रेड) — IS: 434 (भाग 1 और 2)—1964

(1)	(2)	(3)	(4)	(5)	(6)
4	सी एम/एल-241 21-11-1960	16-8-71	15-8-72	भारत पुल्वराइंजिंग मिल्स प्रा० लि०, चिचपोकली कॉस लेन, बायकला, बम्बई-8	बी एच सी विसर्जनीय धूलन पाउडर— IS: 562-1962
5	सी एम/एल-340 20-9-1961	16-9-71	15-9-72	मैसूर इंसेक्टीसाइड्स कं० प्रा० लि०, आनंद बैंक बिल्डिंग, 6, लिंगी चेट्टी स्ट्रीट, मद्रास-1	डी डी टी धूलन पाउडर— IS: 564-1961
6	सी एम/एल-343 27-9-1961	16-10-71	15-10-72	एस० जी० कैन फैक्टरी, यमुना नगर, जगाधरी रेलवे स्टेशन (हरयाणा)	18-लीटर समाई बाले वर्गकार टिन— IS: 916-1966
7	सी एम/एल-348 11-10-1961	1-10-71	30-9-72	दि मालवा बनस्पति एण्ड केमिकल कं० लि०, भगीरथपुरा, इन्दौर	18-लीटर समाई बाले वर्गकार टिन— IS: 916-1966
8	सी एम/एल-403 2-4-1962	1-9-71	31-8-72	दि हिन्दुस्तान मिनरल प्रॉडक्ट्स कं० प्रा० लि०, प्लाट सं० 27, मैगनीज डिपो, सिवरी, बम्बई-22	बी एच सी धूलन पाउडर— IS: 561-1929
9	सी एम/एल-429 30-6-1962	1-9-71	31-8-72	दि हिन्दुस्तान मिनरल प्रॉडक्ट्स कं० प्रा० लि०, प्लाट सं० 27— मैगनीज डिपो, सिवरी—बम्बई-22	बी एच सी जलविसर्जनीय धूलन पाउडर— IS: 562-1962
10	सी एम/एल-440 31-7-1962	16-9-71	15-9-72	मैसूर इंसेक्टीसाइड्स कं० प्रा० लि०, आनंद बैंक बिल्डिंग, 6, लिंगी चेट्टी स्ट्रीट, मद्रास-1	एन्ड्रिन का पायसनीय तेज द्रव— IS: 1310-1958
11	सी एम/एल-444 20-8-1962	1-9-71	31-8-72	हिन्दुस्तान स्टील लि०, रुकेला स्टील प्रोजेक्ट रुकेला (उड़ीसा)	संरचना इस्पात (मानक किस्म)— IS: 226-1969
12	सी एम/एल-445 20-8-1962	1-9-72	31-8-72	"	संरचना इस्पात (उच्च तनाव)— IS: 961-1962
13	सी एम/एल-446 20-8-1962	1-9-71	31-8-72	"	ठंडी बेलित कार्बन इस्पात की चढ़रे— IS: 513-1963
14	सी एम/एल-447 20-8-1962	1-9-71	31-8-72	"	ठंडी बेलित कार्बन इस्पात की चढ़रे तथा पसियां— IS: 1079-1968
15	सी एम/एल-454 3-9-1962	16-9-71	15-9-72	जे० डी० जोन्स एण्ड कं० (प्रा०) लि०, 8-दिनेश शेख लेन, शिवपुर-हावड़ा	: (1) रंग-रोगन के लिए ग्रेफाइट— (2) फाउंड्रियों में फेस की सामग्री के रूप में ग्रेफाइट— IS: 62-1950 IS: 1305: 1967

(1)	(2)	(3)	(4)	(5)	(6)
16	सी एम/एल-515 15-3-1963	1-10-71	31-3-72	ए० एम० रहमानी, कालूपुर, पंचपट्टी अहमदाबाद— 1	रंजकों से बनी फाउंटेनपेन की स्याहियाँ (नीली, हरी, लाल, और काली)– IS: 1221-1957
17	सी एम/एल-532 30-4-1963	1-9-71	31-8-72	हिन्दुस्तान स्टील लि०, रुकेला स्टील प्रोजेक्ट, रुकेला (उड़ीसा)	संरचना इस्पात (गलन बेल्डिंग किस्म)– IS: 2062-1969
18	सी एम/एल-573 29-8-1963	16-10-71	31-12-72	नेसल्स प्रोडक्ट्स (इंडिया) संघनित दूध पूर्ण श्रीम मीठा— लि०, लुधियाना-फीरोजपुर ¹ लिंक रोड, निकट किंगवाह नहर, मोगा (पंजाब)	IS: 1166-1957
19	सी एम/एल-579 11-9-1963	1-10-71	30-9-72	धीरेन्द्र मेटल वर्क्स, 7/1, बनारस रोड, सत्किया, हवाड़ा	पिटवा एल्युमिनियम के बर्टन-ग्रेड एस आई सी— IS: 21-1959
20	सी एम/एल-580 11-9-1963	1-10-71	30-9-72	कोहनूर पेंट कलर एण्ड वार्निंग वर्क्स, छहरटा, निकट रेलवे स्टेशन, अमृतसर	(क) इनैमल, भीतरी— IS: 133-1965 (ख) इनैमल, बाहरी—; दाढ़प 1 और (ग) इनैमल, बाहरी— दाढ़प 2 IS: 2933-1964
21	सी एम/एल-587 26-9-1963	16-10-71	15-10-72	वूयान सीमेंट फैक्ट्री, वूयान (मेसर्स) जे एप्ल के मिनरल्स लि०, जिला अनन्धतनाग, (कर्मीर)	साधारण पोर्ट लैण्ड सीमेंट— IS: 269-1967
22	सी एम/एल-610 31-12-1963	1-10-71	30-9-72	एशियन केबल्स कारपोरेशन लि० पोखरन रोड, पोस्ट बाक्स टाइप सं० 11 थाना (महाराष्ट्र)	बोल्ट चालक ग्रद
(क) पी बी सी रोधित केबल					
(1) इकहरी कोर (बिना खोल वाले) 250/ 440 650/ 1100 तांबा अथवा एल्यु-मिनियम					
(2) इकहरी कोर, भुहरे इसीसी लगे 440 तीन गोर चार कोर वाले 440 बोल्ट चालक एल्यु-मिनियम					
(पी बी सी खोल वाले					

(1)

(2)

(3)

(4)

(5)

(6)

(3) इकहरे कोर, 650/ केवल
दुहरे, तीन और 440 एल्यू-
चार कोर वाले बोल्ट मिनियम
गोलाकार (पी वी सी खोल
वाले)

(ख) पी वी सी रोधित लचकीली
डोरियां

(4) दुहरी मरोड़ी 250/ ताबा
(बिना खोल 440
वाली) बोल्ट

(5) गोलाकार 250/ केवल
दो कोर वाली 440 ताबा
(पी वी सी खोल बो०
खोल वाले)

(6) गोलाकार 250/ केवल
तीन कोर वाली 440 ताबा
(पी वी सी खोल बो०
वाली)

(7) गोलाकार 250/ केवल
चारकोर वाली 440 ताबा
(पी वी सी खोल बो०
वाले)

IS: 694 (भाग 1 और 2) — 1964

23 सी एम/एल-672
14-5-1964

1-9-71

31-8-72 हिन्दुस्तान स्टील लि०, रुकेला संरचना इस्पात (साधारण
स्टील प्लांट, रुकेला, किस्म) —
(उड़ीसा) IS: 1977-1969

24 सी एम/एल-706
29-6-1964

16-11-71

15-5-72 रामा रोलिंग मिल्स, 156, संरचना इस्पात (मानक
मानिकतल्ला रोड, कलकत्ता किस्म) —
IS: 226-1969

25 सी एम/एल-707
29-6-1964

15-11-71

15-5-72 „ „ संरचना इस्पात (साधारण
किस्म) —
IS: 1977-1969

26 सी एम/एल-732
29-6-1964

1-11-71

31-10-72 श्री राम भशीनरी कारपोरेशन संरचना इस्पात (मानक
प्रा० लि., कैथोलिक सेंटर, किस्म) —
5/6, फार मेनियम स्ट्रोट, IS: 226-1969
मद्रास

27 सी एम/एल-733
29-6-1964

1-11-71

31-10-72 „ „ संरचना इस्पात (साधारण
किस्म) —
IS: 226-1969

28 सी एम/एल-774
24-8-1964

16-4-71

15-9-72 एजेलो ब्रदर्स लि०, 7 राम गोपाल मशीन से बना चमड़ा ब्रेड
घोप रोड, कासीपुर (कल- डी 1, डी-2; 1 से 4—
कत्ता-2) IS : 16-1956

(1)	(2)	(3)	(4)	(5)	(6)
29	सी एम/एल-775 24-8-1964	16-9-71	15-9-72	ऐजेलो ब्रदर्स लि०, गोपाल घोष रोड, काँसीपुर (कलकत्ता-2)	7-राम- IS: 17-1956
30	सी एम/एल-776 28-9-1964	16-10-71	15-10-72	मागर्संस पेंट इंडस्ट्रीज (इंडिया), 16 ए, डी एन एफ इंडस्ट्रियल पट्टी— पुरिया, नजफगढ़ रोड, नई दिल्ली-15	धातु के फेमों में लगने वाली IS: 419-1967
31	सी एम/एल-793 30-9-1964	1-10-1971	30-9-1972	नेशनल स्टील बर्क्स लि०, वार्डन हाउस (दूसरी मंजिल), सर फिरोजशाह मेहता रोड, फोर्ट, बम्बई	संरचना इस्पात (भाजक फिस्म) — IS: 226-1969
32	सी एम/एल-794 30-9-1964	1-10-71	30-9-72	"	संरचना इस्पात (साधारण किस्म) — IS: 1977-1969
33	सी एम/एल-1018 26-2-1965	16-9-71	15-9-72	मैसूर इसेक्टीसाइड्स कं० लि०, आध्र बैंक बिल्डिंग, 6, लिंगी चौटी स्ट्रीट, मद्रास-1	बी एच सी पायसनीय तेज द्रव — IS: 632-1966
34	सी एम/एल-1055 20-4-1965	1-10-71	15-3-72	इंडियन मिनरल इंडस्ट्रीज लि०, ट्रैन्चिंग ग्राउंड, ऐप्रोच रोड, ग्रगरपाड़ा, 24 परगना	बी एच सी धूलनशील भारी लूही-61-1962
35	सी एम/एल-1150] 4-10-1965	1-10-71	30-9-72	एशियन केवल्स कारपोरेशन लि०, पोखरन रोड, पो० ब० सं० 11, थाना (महाराष्ट्र)	पी वी सी रोधित भारी झूटी तांबे 'तथा एल्यू- मिनियम चालकों वाले बिजली के केबल 100 और उतने तक कार्यकारी बोलता के लिए — IS: 1554 (भाग 1) — 1964
36	सी एम/एल-1153] 12-10-1965	16-10-71	31-12-72	नेसेल्स प्राइवेट्स (इंडिया) लि०, लुधियाना फिरोजपुर लिंकरोड, निकट किंगवाह नहर मोगा (पंजाब)	धूलनशील काफी का पाउ- डर — IS: 2791-1964
37	सी एम/एल-1189] 6-1-1966	16-10-71	31-12-72	"	शिशुओं के लिए दूध का आहार — IS: 1547-1960
38	सी एम/एल-1213] 25-2-1966	1-9-71	31-8-72	दि हिन्दुस्तान मिनरल प्राइवेट्स कं० लि०, प्लाट सं० 27, मैगनीज डिपो, मिवरी, बम्बई-	डी डी टी धूलन पाउडर — IS: 564-1961

(1)	(2)	(3)	(4)	(5)	(6)
39	सी एम/एल-1218 2-3-1966	16-9-71	15-9-72	यूनाइटेड वायर रोप्स लि०, भारतिकुमार रोड, पंचपखाड़ी, थाना	(क) खानों में छलाई के लिए इस्पात के तार के रस्से— (ख) खानों में लिपटा ई के लिए इस्पात के तार के रस्से— IS: 1855-1961
40	सी एम/एल-1319 29-8-1966	1-9-71	31-8-72	डक्टिट एण्ड कं० (प्रा०) लि०, 83-तपसिया रोड (दक्षिण), कलकत्ता-46	जलसह बनाने के लिए सीमेंट का समेकित मसाला— IS: 2645-1964
41	सी एम/एल-1321 13-8-1966	16-8-71	15-8-72	एन्टोमा इसेक्टीसाइड्स एण्ड ऐंग्रो केमिकल्स (केरल) ए-3, शेड, इंडस्ट्रियल इंस्टीट्यूट, ओलब- कोट, पालघर-2 (केरल)	डी डी टी धूलन पाउडर— IS: 564-1961
42	सी एम/एल-1322 30-8-1966	1-10-71	30-9-72	मल्टी वेल्ड वायर कं० प्रा० लि०, मरोल मरोषी रोड, मरोल, बम्बई-59	कंट्रीट प्रबलन के लिए सख्त खिचे इस्पात के तार की जाली— IS: 1566-1967
43	सी एम/एल-1327 31-8-1966	1-9-71	31-8-72	इम्पीरियल केमिकल इंडस्ट्रीज (हिंडिया) प्रा० (लि०), रिंग- जिला हुगली (५० बंगाल)	अल्प घनस्थ पोलीथीन पाइप IS: 3076-1968
44	सी एम/एल-1327 6-9-1966	16-9-71	15-9-72	एस० प्रा० पी० टूल्स लि०, लैटिस ब्रिज, तिरुबनमियूर, मद्रास-41	सिलिंग कटरस— IS: 1830-1961
45	सी एम/एल-1329 6-9-1966	16-9-71	15-9-72	"	रीमर— IS: 1836-1961
46	सी एम/एल-1338 29-9-1966	1-10-71	30-9-72	एशियन [केवल्स कारपोरेशन लि०, पोखरन रोड, पो० ब० सं० 11, थाना (महाराष्ट्र)]	कागज रोधित सीसा के खोल वाले केवल केवल 11 कि० वा० तक के— IS: 692-1965
47	सी एम/एल-1340 30-9-1966	1-10-71	30-9-72	हैदराबाद एल्विन मेटल वर्क्स लि०, सनतनगर, हैदराबाद-18	प्रवित पेट्रोलियम गैसों के भंडारण और परिवहन के लिए वेल्ड किए हुए अल्पकार्बन इस्पात के गैस के सिलेण्डर— IS: 3196-1968
48	सी एम/एल-1356 30-11-1966	1-7-71	31-12-71	ट्रावनकोर केमिकल एण्ड मैन्यू कं० लि०, एलूर, उद्योगमंडल, डाकबार बरास्ता प्राल्वाय (केरल)	बी एच सी जलविसर्जनीय धूलन पाउडर— IS: 562-1962
49	सी एम/एल-1465 26-6-1967	1-9-71	31-8-72	दि हिन्दुस्तान प्राउडक्ट्स कं० प्रा० लि०, प्लाट सं० 27, मैगनीज डिपो, सिवरी बम्बई-22	मालाधियोन पायसनीय तेज द्रव— IS: 2567-1963
50	सी एम/एल-147 13-7-1967	1-9-71	31-8-72	"	एस्क्रिन का पायसनीय तेज द्रव— IS: 1310-1958

(1)	(2)	(3)	(4)	(5)	(6)
51 सी एम/एन-1480 24-7-1967	1-11-71	31-10-72	हावड़ा लाइट कास्टिंग कं० (प्रा०) लि०, 74, बनारस रोड, हावड़ा।	जलकल कार्यों के लिए स्लूस वाल्व, श्रेणी 1 और 2, 300 मिमी तक के साइजों वाले— IS : 780-1969	
52 सी एम/एन-1498 25-8-1967	1-10-71	30-9-72	एशियन केबल कारपोरेशन लि०, पांचवरन रोड, पो० बा० सं० 11, थाना (महाराष्ट्र)।	शिरोपरिपावर प्रेषण कार्यों के लिए सख्त बिंधे लड्डार एल्युमिनियम और इस्पात की कोर वाले एल्युमिनियम के चालक— IS : 398-1961	
53 सी एम/एन-1517 15-9-1967	16-9-71	15-9-72	जयलक्ष्मी फटिलाइजर्स, बंकटा-बी एच सी धूलन पाउडर— रायपुरम, तनुकु, पश्चिमी गोदावरी जिला, (आध्र प्रदेश)।	IS : 561-1962	
54 सी एम/एन-1518 15-9-1967	16-9-71	15-9-72	"	डी डी टी जलविसर्जनीय धूलन पाउडर— IS : 565-1961	
55 सी एम/एन-1519 15-9-1967	16-9-91	15-9-72	"	बी एच सी जलविसर्जनीय धूलन पाउडर— IS : 562-1962	
56 सी एम/एन-1520 15-9-1967	16-9-71	15-9-72	"	पालिङ्ग-का पायसीनीय तेज द्रव— IS : 1310-1958	
57 सी एम/एन-1528 15-2-1967	16-9-71	15-9-72	मैसूर इसेक्टीमाइड्स कं० प्रा० लि०, आंध्र बैंक विल्डिंग, 6 लिंगोचेट्टी स्ट्रीट, मद्रास-1।	ताम्र-आक्साइड क्लोराइड का जलविभर्जनीय पाउडर— IS : 1507-1966	
58 सी एम/एन-1530 26-9-1967	1-10-71	30-9-72	वारेन मैटल इंडस्ट्रीज लि०, एच ब्लाक हाई रोड, खदिरपुर, कलकत्ता-43।	चाय की पेटियों के लिए धातु के फिर्टिंग— IS : 10-1964	
59 सी एम/एन-1545 9-10-1967	16-10-71	15-10-72	एलटेक्स इंजीनियरिंग कारपोरेशन प्रा० नि०, कृष्णारम्भपुरम रोड, गणपति-पोस्ट, कोयम्बटूर-6।	तीन फैक्ट्रीप्रेण मोटर-2.2 कि० वा० (3 हा० पा०); 3.7 कि० वा० (5 हा०पा०) 5.5 कि० वा० (75 हा० पा०) और 7.5 कि० वा० (10 हा० पा०) 'ए' श्रेणी के रोधन लगे— IS : 325-1961	
60 सी एम/एन-1547 19-10-1967	1-11-71	30-4-72	एम० वी० इंडस्ट्रीज, इंडस्ट्रियल एरिया, जयपुर पश्चिम।	12.5 लीटर समाई वा० ऊचाई पर लगने वा० ढलवां लीहे की नीर से चौड़ी फ्लश की टंकिया। IS : 774-1964	

(1)	(2)	(3)	(4)	(5)	(6)
61	सी एम/एल-1552 24-10-1967	1-11-71	30-10-72	इंडस्ट्रियल केबल्स (इंडिया) लि०, इंडस्ट्रियल एरिया, (राजपुरा) पंजाब।	शिरोपरि पावर प्रेषण कार्यों के लिए सख्त खिचे लड़दार एल्यूमिनियम और इस्पात की कोर वाले एल्यूमिनियम चालक— IS : 398-1961
62	सी एम/एन-1563 14-11-1967	16-8-71	15-2-72	मैंपर्ग राजस्थान केबल इंडस्ट्रीज प्रा० लि०, हैवी इंडस्ट्रियल एरिया, कोटा-3 (राजस्थान)।	एल्यूमिनियम चालकों वाले पी वी सी केबल 250/440 और 650/1100 बोल्ट ग्रेड, इकहरी कोर (बिना खोल और पी वी सी खोल वाले)— IS: 694 (भाग 2)—1964
63	सी एम/एल-1701 17-5-1968	1-10-71	31-3-72	दि एग्रो इंडस्ट्रियल केबल्स कं०, 13-ए, कल्याणी विधु रुद्रपुर, (नैनीताल)।	बी एच सी धूलम पाउडर— IS: 561-1962
64	सी एम/एल-1781 30-8-1968	16-9-71	15-9-72	चेट्टीनाथ सीमेंट कारपोरेशन लि०, पुलियार कालूर तालुक, तिस्त्रिचिरापल्ली जिला, तमिलनाडु।	सामारण पोर्टलैण्ड सीमेंट— IS : 269-1967
65	सी एम/एल-1789 16-9-1968	1-10-71	30-9-72	बर्मा शैल आयल स्टोरेज एण्ड डिस्ट्रीब्यूटिंग कं० आफ इंडिया लि०, बर्मा शैल हाउस, बेलार्ड इस्टेट, बर्मार्ड-1।	हैक्सेन खाद्य ग्रेड— IS: 3470-1966
66	सी एम/एल-1792 16-9-1968	1-10-71	30-9-72	खोदियार पॉटरी वर्क्स लि०, निकट रेलवे स्टेशन, सिहोर, गुजरात।	काचांभ सेनीटरी साधन— IS: (2556 भाग 2 से 6 और 10)—1967
67	सी एम/एल-1795 17-9-1968	1-10-71	30-9-72	भावनगर बेजीटेबल प्रॉडक्ट्स लि०, बंदर रोड, भावनगर।	18 लीटर समाई वाले बगाकार टिन— IS: 916-1966
68	सी एम/एल-1798 30-9-1968	1-10-71	31-3-72	एडवानी-ओलिकन (प्रा०) लि०, चंडालूर मलकोट्टायूर गांव, चिंगलपेट जिला, तमिलनाडु।	मृदृ इस्पात की मेटल आर्क बेल्डिंग के लिए ढके इलेक्ट्रोड— IS: 814-1967
69	सी एम/एल-1804 9-10-1968	1-9-71	31-8-72	हिन्दुस्तान स्टील लि०, रुकेला स्टील प्लाट, रुकेला (उड़ीसा)।	जस्ता छढ़ी इस्पात की चहरे (सादी तथा पनारी-वार)— IS: 277-1969
70	सी एम/एल-1814 15-10-1968	16-10-71	15-10-72	ला० मदन लाल (एल्यूमिनियम) प्रा० लि०, 2-हेरन मुखर्जी रोड, बेलूर, हावड़ा।	एल्यूमिनियम के बर्तन एस आई सी ग्रेड— IS: 21-1959

(1)	(2)	(3)	(4)	(5)	(6)
71	सी एम/एल-1824 13-10-1968	1-11-71	30-4-72	हिम पाइन इंडस्ट्रीज, हरवाला, जिला बेहरादून	चाय की पेटियों के लिए प्लाष्टिक की पट्टियां— IS: 10-1969
72	सी एम/एल-1839 22-11-1968	1-10-71	31-3-72	दि एग्रो इंडस्ट्रियल केमिकल्स कं०, 13-ए, कल्याणी विधु, रुद्रपुर, नैनीताल।	एन्ड्रिन का पायसनीय तेज द्रव— IS: 1307-1958
73	सी एम/एल-1875 23-12-1968	1-10-71	30-9-72	एशियन केबल्स कारपोरेशन लि०, पोखरान रोड, पो० बा० सं० 11 थाना (महाराष्ट्र)	पोलीधीन रोधित और पी० बी सी खोल बाल केबल इकहरी कोर और चपटे दुहरे एल्युमिनियम चालकों वाले— IS: 1596-1972
74	सी एम/एल-1892 14-1-1969	16-9-72	15-9-72	जयलक्ष्मी फार्टिलाइजस, बंकटे-रायपुरम, तनुकू पश्चिमी गोदावरी जिला (आ०प्र०)।	डी डी टी धूलन पाउडर— IS: 564-1961
75	सी एम/एल-1893 14-1-1969	16-9-71	15-9-72	"	पैराथियोन का पायसनीय तेज द्रव— IS: 2129-1962
76	सी एम/एल-1931 27-2-1969	1-9-71	31-8-72	दि हिन्दुस्तान मिनरल प्राइवेट्स कं० प्रा० लि०, प्लाट सं० 27, मैंगनीज डिपो, सिवरी। अम्बई-22।	धूलन पाउडर— IS: 565-1969
77	सी एम/एल-1948 31-3-1969	16-10-71	15-4-72	भागसंस पेंट इंडस्ट्रीज (इंडिया), 16-ए, डी० प्ल० एफ०, इंडस्ट्रीयल एरिया, नजफगढ़ रोड, नई दिल्ली-15	भीतरी इन्सेमल— (क) नीचे परत देने का (ख) बांधित रंग बाला फिनिश देने का IS: 133-1965
78	सी एम/एल-1954 16-4-1969	16-10-72	15-4-72	भागसंस पेंट इंडस्ट्रीज (इंडिया), 16 ए-डी० प्ल० एफ० इंडस्ट्रीयल एरिया, नजफगढ़ रोड, नई दिल्ली-15	तंयार मिश्रित रंग-रोगन— IS: 123-1962; IS: 158-1965 और IS: 3536-1966
79	सी एम/एल-1967 6-5-1969	16-9-71	15-9-72	जयलक्ष्मी फार्टिलाइजर्स, बंकटे-रायपुरम, तकू पश्चिमी गोदावरी, जिला, (आंध्र प्रदेश)	मालाथियोन का पायसनीय बूतेज द्रव— IS: 2567-1963
80	सी एम/एल-1970 16-5-1969	16-10-71	15-10-72	भागसंस पेंट इंडस्ट्रीज (इंडिया) 16-ए, डी० प्ल० एफ० इंडस्ट्रीयल एरिया, नजफगढ़ रोड, नई दिल्ली-15	(क) बांधित रंग देने के लिए डिस्ट्रेपर शुष्क— IS: 427-1965 (ख) तेलीय इमलसन— IS: 428-1953

(1)	(2)	(3)	(4)	(5)	(6)
81	सी एम/एल-1975 22-5-1969	1-10-71	30-9-72	कोहनूर पेट कलर एण्ड वार्निश वर्स्ट, छेहगढ़ा-निकट रेलवे स्टेशन अमृतसर।	(क) वांछित रंग देने के लिए डिस्ट्रियल-सूखा— IS : 427-1965 (ब) वांछित रंग देने का तेलीय इमलसन— IS: 428-1969
82	सी एम/एल-2000 30-6-1969	1-10-71	30-9-72	कोहनूर पेट कलर एण्ड वार्निश वर्स्ट, छेहगढ़ा निकट रेलवे स्टेशन, अमृतसर।	ब्लैक जापान टाइप 'ए'— IS: 341; 1952
83	सी एम/एल-2062 29-8-1969	1-9-71	31-8-72	इंडो-जापान स्टील्स लि०, 5/1, जी टी रोड, बेलूर हावड़ा जिला	संरचना इस्पात (मानक किस्म)— IS: 226-1969
84	सी एम/एल-2063 29-8-69	1-9-71	31-8-72	"	संरचना इस्पात (साधारण किस्म)— IS: 1977-1969
85	सी एम/एल-2066 8-9-1969	16-9-71	15-9-71	इंडिस्ट्रियल इलेक्ट्रोइंस एण्ड गेजेज़ा लि०, 146-अंडूल रोड, हावड़ा-3.	सामान्य प्रबोधकता वाले मृदु इस्पात की मेटल आर्क वेलिंग के लिए ढके इलेक्ट्रोइंड— IS: 814-1967
86	सी एम/एल-2073 12-9-1969	16-3-71	15-9-72	मंगम इलेक्ट्रिकल एण्ड मेकेनिकल इंडस्ट्रीज, प्लॉट सं. 13/14, इंडिस्ट्रियल इस्टेट, सांगली (महाराष्ट्र)	तीन फेजी प्रेरण मीटर 2.2 कि वा० (3 हां० पा०) तथा 3.7 कि वा० (5 हां० पा०) रेटिंग वाले, 4 पोल वाले 400/ 440 बोल्ट के 'ए' थ्रेणी के रोधन वाले— IS: 325-1961
87	सी एम/एल-2093 30-9-1969	1-10-71	30-9-72	के० शार० स्टील युनियन प्रा० लि०, 16-डी इंडिस्ट्रियल प्र०सिया, कल्याणी, जिला नाशिया (प० बंगाल)	संरचना इस्पात (मानक किस्म)— IS: 226-1969
88	सी एम/एल-2094 30-9-1969	1-10-71	30-9-72	"	संरचना इस्पात (साधारण किस्म)— IS: 1977-1969
89	सी एम/एल-2100 30-9-1969	1-10-71	30-9-72	ओ० पी० ओबराय एण्ड कं०, कालेज रोड, पठानकोट	चाय की पेटियों के लिए प्लाष्टिक की पटियां— IS : 10-1964
90	सी एम/एल-2101 30-9-1969	1-10-71	30-9-72	नन्दी प्रोविन्स मिल्स, 33, नजफगढ़ रोड, इंडिस्ट्रियल प्र०सिया, नई दिल्ली-15	पशुओं के लिए मिश्रित आहार IS: 2052-1962

(1)	(2)	(3)	(4)	(5)	(6)
91	सी एम/एल-2157 28-11-1969	1-10-71	30-9-72	कोहनूर पेंट कनर एण्ड वार्निश जबक्ष छेहन्टा, निकट रेलवे स्टेशन, अमृतसर	सामान्य कायों के लिए इहरे धारकों में भरे हुए एल्युमिनियम पेंट— IS : 2339-1963
92	सी एम/एल-2158 28-11-1969	16-9-71	15-9-72	मैमूर इंगेक्टीमाइड्स कॉ. प्रा० नि०, आंध्र बैंक बिलिङ्ग, 6 लिंकी चेट्टी स्ट्रीट, मद्रास-1	बी एच सी धूतन पाउडर— IS : 561-1962
93	सी एम/एल-2170 10-12-1969	16-9-71	15-9-72	"	डी डी टी धूतन पाउडर— IS : 564-1961
94	सी एम/एल-2194 31-12-1969	16-9-71	15-9-72	सिल्वान एण्ड कम्पनी, 62/2, चेतला रोड, कलकत्ता-27	चाय की पेटियों के शिए धातु के द्विटिंग— IS : 10-1964
95	सी एम/एल-2204 9-1-1970	16-7-71	15-1-72	अवध प्लाइवुड इंडस्ट्रीज, बहरो-इच रोड, गोडा (यू०पी०)	चाय की पेटियों के लिए प्लाइवुड की पटियां— IS : 10-1964
96	सी एम/एल-2228 29-1-1970	1-11-71	31-10-72	अनन्त इंडस्ट्रीज (रजि०), इंडस्ट्रियल ऐरिया, निकट : ऐम-30, जलन्धर शहर	(क) बढ़ियों के धातु के साचे वाले बैंच के रद्दे न्यूनतम केबल 45,50 और 60 मिमी सांकेतिक साइज वाले— (ख) बढ़ियों के धातु के साचे वाले बैंच रद्दे—केबल 50 मिमी सांकेतिक साइज केबल 50 और 60 मिमी सांकेतिक साइज के और (ग) बढ़ियों के धातु के साचे वाले बैंच रद्दे—केबल 60 मिमी सांकेतिक साइज वाले— IS : 4057-1967
97	सी एम/एल-2285 30-3-1970	1-10-71	31-9-72	एशियन केबल्स कारपोरेशन नि०, पोखरन रोड, पो० बा० सं० 11 थाना (महाराष्ट्र)।	(क) इकहरी कोर, 250/440 दो० और 650/1100 बोल्ट ग्रेड के एल्युमिनियम चालक वाले केबल, और (ख) दुहरी कोर, चपटे, 250/440 बोल्ट और 650/1100 बोल्ट ग्रेड के एल्युमिनियम चालक वाले केबल— IS : 3035 (भाग 2)—1965

(1)	(2)	(3)	(4)	(5)	(6)
98	सी एम/एल-2294 31-3-1970	1-10-71	30-9-72	ए० पाल इंस्ट्रूमेन्ट, कम्पनी वार्डस सं० 3, जींद (हरयाणा)	सामान्य कार्यों के सिए णीगो के तापमापी अनुसूची 7 और 8, परास से 100° से— IS: 2480-1964
99	सी एम/एल-2297 31-3-1970	1-10-71	31-3-72	ट्रॉफिकल ऐप्रोसिस्टम (प्रा०) लि०, 520/28 बनगाराम रोड, अम्बातूर-मद्रास-53	बी एच सी धूलन पाउडर— IS: 561-1962
100	सी एम/एल-2298 31-3-1970	1-10-71	31-3-72	"	डी डी टी धूलन पाउडर— IS: 564-1961
101	सी एम/एल-2399 31-8-1970	1-9-71	31-8-72	गैनन डंकले एंड कं० लि०, अल्पदाब ब्रवणीय गैसों के ओल्ड बी पी टी रोड, माहूल भम्बई-74 (ए एस)	भंडारण और परिवहन के लिए बेल्डकृत अल्पकार्बन इस्पात के 33.3 लीटर जल समाई वाले सिलेण्डर— IS: 3196-1968
102	सी एम/एल-2404 10-9-1970	16-9-71	15-9-72	रीगल प्रॉडक्ट्स प्रा० लि०, 186- रायपेटा हाई रोड, रायपेटा, मद्रास-14	रंजकों से बनी फाउटेन पेन की स्थाही, नीली— IS: 1221-1957
103	सी एम/एल-2406 11-9-1970	16-9-71	15-9-72	जयलक्ष्मी ऐप्रो केमिकल्स, अमरा- वती रोड, गोरनतला गांव सीमा, डाकघर गुटूर-2, गुटूर जिला (ग्रा० प्रा०)	बी एच सी धूलन पाउडर— IS: 561-1962
104	सी एम/एल-2408 11-9-1970	1-11-71	30-4-72	आरसी मिनरल्स, 15/7, मथुरा- रोड, फरीदाबाद (हरयाणा)	एन्ड्रिन का पायसनीय तेज द्रव IS: 1310-1958
105	सी एम/एल-2409 28-9-1970	1-10-71	30-9-72	कान्टीनेनेटल इंडस्ट्रीज, एस/ 34-39 इंडस्ट्रियल हस्टेट, बापूनगर, अहमदाबाद-21	धातु के हील्ड फेम— (क) लकड़ी के पार्श्वक सहारे लगे (ख) इस्पात के पार्श्वक सहारे लगे— IS: 4465-1970
106	सी एम/एल-2410 28-9-1970	1-10-71	31-5-72	आल इंडिया मेडिकल कारपो- रेशन, सिपोली रोड, बोरीबली (पश्चिम) भम्बई-66	मालायियोन का पायसनीय तेज द्रव— IS: 2567-1963
107	सी एम/एल-2412 28-9-1970	1-10-71	30-9-72	सनरे केमिकल इंडस्ट्रीज, मोती- लाल नेहरू रोड, आगरा	बी एच सी जल विसर्जनीय तेज चूर्ण— IS: 562-1962
108	सी एम/एल-2413 28-9-1970	1-10-71	31-3-72	रामकृष्ण कुलवन्तराप स्टील्स, प्रा० लि०, 403-ए, तिरु- वोतियूर हाई रोड, (अजैक्सन) क्स के समीप) टर्मिनस तिरु- वोतियूर, मद्रास-19	संरचना इस्पात (मानक किस्म)— IS: 226-1969

(1)	(2)	(3)	(4)	(5)	(6)
109	सी एम/एल-2414 28-9-1970	1-10-71	31-3-72	रामकृष्णा कुलवंतराय स्टील्स प्रा० लि०, 403-ए, तिरुवोतियूर हाई रोड, (अजैबक्स के समीप) टर्मिनस तिरुवोतियूर, मद्रास-19	संरचना इस्पात साधारण किस्म) — IS : 1977-1969
110	सी एम/एल-2416 28-9-1970	1-10-71	31-3-73	दि टाटा आयरन एण्ड स्टील कं० लि०, जमशेदपुर	कंक्रीट प्रबलन के लिए ठंडी मरोड़ी इस्पात की सरिया— IS : 1786-1966 .
111	सी एम/एल-2418 30-9-1970	1-10-71	30-9-72	मल्टी ब्लेक्स एंग्रो केमिकल्स प्रा० लि०, प्लाट सं० 184/11 और 184/12, नरोदा इंडस्ट्रियल इस्टेट नरोदा, अहमदाबाद	बी एच सी धूलन पाउडर IS : 561-1962
112	सी एम/एल-2419 16-10-1970	16-10-71	15-10-72	मंजु इलेक्ट्रिकल इंडस्ट्रीज, पोलाची रोड, (12 वां मील) मालुमीचम्पटी चेन्नैपल्लयम, डाकघर, कोयम्बटूर, जिला, (तमिल नाडु)	तीन फेजी प्रणाली 3.7 कि वा (5 हा पा) 400/440 वा 'ए' श्रेणी के रोधन लगे । IS : 325-1961
113	सी एम/एल-2422 7-10-1970	16-1-71	30-6-72	नेशनल पेस्टीसाइड्स 5-इंडस्ट्रियल इस्टेट, विदिशा (म०प्र०	जी डी टी धूलन पाउडर— IS : 564-1961
114	सी एम/एल-2424 12-10-1970	16-10-71	15-4-72	सोम इंजीनियरिंग कारपोरेशन, 96 बी, कोग्रापरेटिव इंडस्ट्रियल इस्टेट, गोविन्द नगर, कानपुर	प्रोपेलर नुमा ए० सी० के वायु निष्कासक पंखे 250 वो० से अनधिक बोल्टता पर कार्य करने वाले केबल साइज 450 मिमी— IS : 2312-1967
115	सी एम/एल-2425 14-10-1970	16-10-71	15-10-72	नारंग बूमरीज, नवाबगंज, जिला गोंडा, (उ० प्र०)	वियर— IS : 3865-1966
116	सी एम/एल-2428 19-10-1970	16-10-71	15-10-72	हिन्दुस्तान जनरल इंडस्ट्रीज लि०, नांगलोई, दिल्ली ।	33.8 लीटर जल समाई वाले अल्पदाब द्रवणीय गैसों के घंडारण और परिवहन के लिए बेल्डकृत अल्प कार्बन इस्पात के गैस सिल-डर— IS : 3196-1968
117	सी एम/एल-2430 30-10-1970	16-10-71	15-10-72	राकवेल्ड इनेक्सोड इंडिया लि०, 291 इंडस्ट्रियल इस्टेट, अम्बातूर, मद्रास-58	सामान्य प्रवेश मुद्रह इस्पात की बैलिङ के लिए ढके डेलक्ट्रोज— IS : 814-196

New Delhi, the 3rd July 1972

S. O. 2760.—Certification Marks Licences, details of which are mentioned in the schedule given hereafter have lapsed or their renewals deferred :

THE SCHEDULE

Sl. No.	Licence No. & Date of Issue	Name & Address of the Licensee	Article/Process and the Relevant IS : Designation	S.O. Number and date of the Gazette Notifying Grant of Licence	Remarks
(1)	(2)	(3)	(4)	(5)	(6)
1	CM/L-473 20-II-1962	Chandra Electricals, Varanasi Cantt (U.P.)	Single-phase, small AC and universal electric motors — IS : 996-1964		Renewal was deferred after 30-4-1969; the licence now stands lapsed after that date.
2	CM/L-751 30-7-1964	Himachal Govt. Rosin Turpentine Factory, Nahan (Himachal)	Rosin (gum rosin), pale, medium and dark type — IS : 553-1969	S. O. 3487 Dated 3-10-1964	Deferred after 31-3-1972.
3	CM/L-1044 26-3-1965	Shibu Metal Works, Subzimandi Jagadhri (Haryana)	Wrought aluminium Utensils, Grade SIC — IS : 21-1959	S.O. 1406 dated 1-5-1965	Lapsed after 15-4-1972.
4	CM/L-1422 30-3-1967	Bhartia Steel & Engg. Co. Pvt. Ltd., 106/I, Dharamtola Rd., Salkia, Howrah.	Structural steel (standard quality) — IS : 226-1969	S.O. 1531 dated 29-4-1967	Renewal was deferred after 31-3-1969; the licence now stands lapsed after that date.
5	CM/L-1423 30-3-1967	Do.	Structural steel (ordinary quality) — IS : 1977-1969	S.O. 1531 dated 29-4-1967	Renewal deferred after 31-3-1969 the licence now stands lapsed after that date.
6	CM/L-1529 20-9-1967	New Chemi-Mineral Mills Pvt. Ltd., Chakravarti Ashok Road, Kandivli (East), Bombay-67	Copper oxychloride water dispersible powder concentrates — IS : 1507-1966	S.O. 3733 dated 21-10-1967	Lapsed after 30-4-1972
7	CM/L-1557 8-II-1967	Bhutoria Engg. Works Ltd., 17 G. T. Road, Baramandir, Konnagar, Hooghly	Sluice valves for water works purposes, Class I, upto 300 mm size — IS : 780-1969	S.O. 4568 dated 23-12-1967	Deferred after 15-5-1972
8	CM/L-1714 11-6-1968	Timber & Plywood Co., Pvt. Ltd., No. 1, Nimak Mahal Road, Kidderpore Garden Reach Calcutta.	Tea-chest metal fittings — IS : 10-1970	S.O. 2577 dated 20-7-1968	Lapsed after 15-6-1972
9	CM/L-1906 29-I-1969	Agro Industrial Chemical Co., 13-A, Kalyani View, Rudrapur (Nainital).	Aldrin dusting powders — IS : 1308-1958	S.O. 720 dated 22-2-1969	Deferred after 30-4-1972.
10	CM/L-2306 16-4-1970	Mahavir Metal Works Pvt. Ltd., 15/2 Mathura Road, Faridabad (Haryana)	(a) Wrought aluminium and aluminium alloy utensils Grade SIC, anodized — IS : 21-1959 (b) Wrought aluminium and aluminium alloy utensils, Grade SIC, anodized — IS : 1868-1961	S.O. 1911 dated 30-5-1970	Lapsed after 15-4-1972
11	CM/L-2316 30-4-1970	Delton Cable Industries Pvt. Ltd., 17/4 Mathura Road, Faridabad (Haryana)	PVC unsheathed cable with plain copper conductor, single core, 2.50/140 volts — IS : 69.1 (Part I) — 1964	S.O. 1911 dated 30-5-1970	Deferred after 30-4-1972
12	CM/L-2320 11-5-1970	The Premier Fertilizers Ltd., Pachirankuppam, Cuddalore-3.	BHC dusting powders — IS : 561-1962	S.O. 2802 dated 22-8-1970	Deferred after 15-5-1972

(1)	(2)	(3)	(4)	(5)	(6)
13 CM/L-2340 8-6-1970	Perfect Pottery Company (Madhya Bharat) Ltd., Near Western Railway Hospital, Ratlam (M.P.)	Salt-glazed stoneware pipe. [Grade 'A' and 'AA', 100 mm, 200 mm, 230 mm, 250 mm, and 300 mm diameters— IS : 651-1965]	S.O. 3429 dated 24-1-1970	Deferred after 15-6-1972	
14 CM/L-2360 3-7-1970	Chandigarh Spun Pipe Co., 29, Industrial Area Chandigarh.	Low density polyt hylene pipes for portable water supplies pressure rating 6 'o kg/cm ² — IS : 3076-1968	S.O. 2109 dated 29-5-1971	Renewal was deferred after 15-7- 1971; the licence now stands lapsed after that date.	
15 CM/L-2469 30-11-1970	Goyal Industrial Corpn., 14/5, Mathura Road, Faridabad (Haryana)	Wooden flush door shutters (solid core type) with ply- wood face panels— IS : 2202 (Part I)—1966	S.O. 3593 dated 2-10-1971	Deferred after 31-5-1972	
16 CM/L-2507 11-1-1971	Sigma Engg. Works, 33 Manohar Park, Ram Pura, P.O. Ganesh Pura, Delhi-35.	Door closers (hydraulically regulated)—	S.O. 5028 dated 6-11-1971	Lapsed after 15-1-1972	
17 CM/L-2514 21-1-1971	Surma Valley Saw Mills Pvt. Ltd., P.O. Bhangabazar, Distt. Cachar (Assam)	Tea-chest battens— IS : 10-1970	S.O. 5028 dated 6-11-1971	Lapsed after 15-1-1972	
18 CM/L-2548 18-2-1971	Shree Ambica Jute Mills Ltd., Belur, Howrah.	Indian hessian—IS: 2818— 1964 Hessian bags— IS : 3790-1966	S.O. 5037 dated 6-11-1971	Lapsed after 29-2-1972	
19 CM/L-2642 30-3-1971	Universal Cable Mfg. Co., Opp. Railway Station, Faridabad (Haryana)	Thermoplastic insulated wea- ther proof cables IS : 3035 (Part II)-1965	S.O. 2405 dated 19-6-1971	Deferred after 31-3-1972	
20 CM/L-2653 30-3-1971	Champanary Jute Co. Ltd. (Wellington Jute Mills) Rishra, Distt. Hooghly (W. Bengal)	Jute carpet backing fabric— IS : 4900-1969	S.O. 2405 dated 19-6-1971	Lapsed after 31-3-1972	
21 CM/L-2665 22-4-1971	Kejriwal Iron & Steel Works, 12/2, Girish Ghosh Road, P. O. Belurmath, Howrah (W. Bengal).	Cast iron fittings for pressure pipes for Water, gas and sewage—IS : 1538-1960	S.O. 3741 dated 9-10-1971	Deferred after 30-4-1972	
22 CM/L-2684 18-5-1971	Mulkh Raj Madhusudan Lal Malhotra, B-8, Industrial Area, Yamuna Nagar, Distt. Ambala (Haryana)	Tea-chest battens— IS : 10-1970.	S.O. 5027 dated 6-11-1971	Deferred after 15-5-1972	
23 CM/L-2691 2-6-1971	Lal Singh Sondhi & Sons, Tea-chest battens— Khajuri Road, Yamuna Distt. Ambala (Haryana)	IS : 10-1970	S.O. 3594 dated 2-10-1971	Deferred after 5-6-1972	

[No. CMD/13 : 14]

नई दिल्ली, 3 जूलाई 1972

का० आ० 2760.—नीचे जिन प्रमाणन मुहर लाइसेंसों के ब्यौरे अनुमूल्य में दिए गए हैं या तो वे रद्द हो गए हैं अथवा उनका नवीकरण स्थगित कर दिया गया है :

अनुमूल्य

क्रम संख्या	लाइसेंस संख्या, तथा जारी करने की तिथि	लाइसेंसधारी का नाम और पता	वस्तु / प्रक्रिया और तन्मत्वात्मक पदनाम	एप्रो, संख्या तथा लाइसेंस स्वीकृति छपने वाले गजट की तारीख	विवरण
(1)	(2)	(3)	(4)	(5)	(6)
1	सी एम / एल-437 20-11-1962	चन्द्र बाराणसी छानी (उ० प्र०)	इनेक्ट्रोकल्स . एक छोटी एसी, तथा शूनिंघमल बिजली की मोटर्स— IS : 996-1964	--	इस लाइसेंस का नवी- करण 30-4-19 के बाद स्थगित कर दिया था अब उसी तिथि से इसको रद्द माना जाए।

(1)	(2)	(2)	(4)	(5)	(6)
2 सी एम /एल-751 30-7-1964	हिमाचल गवर्नर्मेंट रोजिन, बरोजा (गोद बरोजा) एप्ट टर्मनटाइन फैक्टरी, नाहन (हिमाचल)	बरोजा (गोद बरोजा) पीला मध्यम तथा गहरी प्रकार का— IS : 553-1969	एस ओ 3487 दिनांक 3-10-1964	31-3-1972 दिनांक 1-5-1965	के बाद स्थगित
3 सी एम /एल-1044 26-3-1965	गिरुमेंटल वर्क्स, संजीमणी, पिटवाँ एल्युमिनियम के बर्तन जगाधरी (हरियाणा)	पिटवाँ एल्युमिनियम के बर्तन ग्रेड एम आई सी— IS : 21-1959	एस ओ 1406 दिनांक	15-4-1972 के बाद रद्	
4 सी एम /एल-1423 30-3-1967	भारतीय स्टील इंजीनियरी प्रा० लि०, 106/1, धर्मतला रोड, सन्किया, हावड़ा	संरचना इस्पात (मानक किस्म) — IS : 226-1969	एस ओ 1531 दिनांक	इस लाइसेंस का नवी- करण 31-3-69 के बाद स्थगित किया	
5 सी एम /एल-1423 30-3-1967		संरचना इस्पात (साधारण किस्म) — IS : 1977-1969	एस ओ 153 दिनांक	इस लाइसेंस का नवी- करण 31-3-1966 को स्थगित किया था अब उसी तिथि से रद् माना जाए ।	
6 सी एम /एल-1529 20-9-1967	न्यू केमिस्नरल मिल्स प्रा० लि०, चक्रवर्ती शशोक रोड, कांडीवली (पूर्व) बम्बई-67	तांबा श्राफ्सीक्लोराइड जल विसर्जनीय तेज चूर्ण— IS : 1507-1966	एस ओ 3733 दिनांक	30-4-1972 के बाद रद्	
7 सी एम /एल-1557 8-11-1967	भूटोरिया हंजी० वर्से लि०, 17, जी टी रोड, बड़ा मन्दिर, कोनकर, हुगली	जलकलाकारी के लिए स्लूस बाल्व, थेणी 1, 300 मिमी तक के माइज— IS : 780-1969	एस ओ 4568 दिनांक	15-5-1972 के बाद रथगित	
8 सी एम /एल-1714 11-6-1968	टिम्बर एण्ड ब्लाइवुड कं० प्रा० लि०, स० 1, निमक महल रोड, कड़ारगुर, गाईन रोड, कलकत्ता	चाय की पेटियाँ के लिए धातु की फिटांग -- IS : 10-1970	एस ओ 2377 दिनांक	15-6-1972 के बाद रद्	
9 सी एम /एल-1906 29-1-1969	एशो इंडस्ट्रियल केमिकल कं०, 13-ए, कल्याणी विधु, रुद्रपुर (नैनीताल)	एन्ड्रिन घूलन पाउडर-- IS : 1308-1958	एस ओ 720 दिनांक	30-4-1972 के बाद स्थगित	
10 सी एम /एल-2306 16-4-1970	महाबीर मैटल वर्क्स प्रा० लि०, 15/2, मथुरा रोड, करीदाराबाद (हरि- याणा)	(क) पिटवाँ एल्युमिनियम ओर मिश्रितधातु के बर्तन— IS : 21-1959 (ख) पिटवाँ एल्युमिनियम ओर एल्युमिनियम मिश्र- धातु के बर्तन -ग्रेड एस आई सी, अनोडिझिड— IS : 1868-1961	एस प्रो 1991 दिनांक 30-5-1970	15-4-1972 के बाद रद्	

(1)	(2)	(3)	(4)	(5)	(6)
11 सी एम / पंत-2316 30-4-1970	डाल्टन केवल इंडस्ट्रीज वा० लि० 17/4, मथुरा रोड, फरीदाबाद (हरयाणा)	पी वी सी विना खोन वाले माधारण तांबे के चालक लगे कोर, 250/440 बोल्ट के केवल— IS : 694 (भाग 1)— 1964	एम श्रो 1911 दिनांक 30-5-1970	30-4-72 के बाद स्थगित	
12 सी एम / पंत-2320 11-5-1970	दि प्रीमियर फर्टिलाइजर्स लि०, पचोरकंपुरम् . कुट्टालोर-3	श्री एच सी धूलत पाउडर— IS : 561-1962	एस श्रो 2802 दिनांक 22-8-1970	15-5-1972 के बाद स्थगित	
13 सी एम / पंत-2340 18-6-1970	प्रफेक्ट पॉटरी कम्पनी, (मध्य भारत) लि०. पश्चिम रेलवे अस्पताल के समीप, रत्नाम (म.प्र.)	जबण कांचाभ स्टोन वेश्वर के पाइप, ग्रेड ए और ए०० 100 मिमि, 200 मिमि, 230 मिमि, 250 मिमि और 300 मिमि व्यास के IS : 651-1965	एस श्रो 3439 दिनांक 24-10-1970	15-6-1972 के बाद स्थगित	
14 सी एम / पंत-2360 3-7-1970	चंडीगढ़ स्पन पाइप कं०, 29-इंडिस्ट्रियल एरिया, चंडीगढ़	पीने के पानी के नियंत्रण प्रश्नत्व वाले पोलीइथाइलीन पाइप-6.0 किलो/मी रेटिंग— IS : 3076-1968	एम श्रो 2100 दिनांक 29-5-1971	इस लाइसेंस का भवी- करण 15-7-1971 को किया गया था अब उसी तिथि में रद्द माना जाए।	
15 सी एम / पंत-2469 30-11-1970	गोयल इंडस्ट्रियल कारपोरे- शन, 14/5, मथुरा रोड, फरीदाबाद (हरयाणा)	लकड़ी के समनव कपट (ठोम मध्य भाग वाले) —ऊपर प्लाइब्रूड लगे— IS : 2201 (भाग 1) —1966	एम श्रो 3593 दिनांक 2-10-1971	31-5-72 के बाद स्थगित	
16 सी एम / पंत-2507 11-1-1971	सिंगमा इंजी० वर्क्स, 33, मनोहर पार्क, रामपुरा डाकघर, गणेशपुरा, दिल्ली-35	डोर-कलोजरी (द्रव नियंत्रित) IS : 3564-1970	एम श्रो 5028 दिनांक 6-11-1971	15-1-1972 के बाद रद्द	
17 सी एम / पंत-2514 21-1-1971	सुर्गमा बैंकी मा मिल्स प्रा० लि०, डाकघर बंगबाजार, जिना कच्छार (ग्रमस)	चाय की पेटियों के लिए पटियाँ— IS : 10-1970	एम श्रो 5028 दिनांक 6-11-1971	15-1-1972 के बाद रद्द	
18 सी एम / पंत-2548 18-2-1971	श्री अर्मिका जूट मिल्स लि०, बेलूर, हावड़ा	भारतीय हेमियन — IS : 2818-1964 हेमियन के बोरे— IS : 3790-1966	एम श्रो 5037 दिनांक 6-11-1971	29-2-1972 के बाद रद्द	
19 सी एम / पंत-2662 30-3-1971	यूनिवर्सल केवल मैन्यू०लि०, रेलव स्टेशन के सामने फरीदाबाद (हरयाणा)	थर्मोप्लास्टिक रोप्रिन केवल— IS : 3035 (भाग 2) —1965	एम श्रो 2405 दिनांक 19-6-1971	31-3-1972 के बाद स्थगित	

(1)	(2)	(3)	(4)	(5)	(6)
-----	-----	-----	-----	-----	-----

20	सी एम /एल-2653 30-3-1971	चम्पादानी जूट कं. लि०, (विविग्नन जूट मिल्स) रिषरा ; जिला हुगली (पं० बंगाल)	कालीनों के पीछे लगाने के नियंत्रण जूट का कपड़ा - IS : 4900-1969	एम ओ दिनांक 19-6-1971	31-3-1972 बाद रहे
21	सी एम /एल-2665 22-4-1971	केजरीवाल आयरन एण्ड स्टील वर्क्स, 12/2, गिरीज घोप रोड, डाकघर, बेलूर मठ, हावड़ा (पं० बंगाल)	जल, गैस तथा मल कार्यों के नियंत्रण लोहे की बनी दाव पाइपों की फिटिंग- IS : 1538-1960	एस ओ दिनांक 9-10-1971	30-4-1972 बाद स्थगित
22	सी एम /एन-2686 18-5-1971	मुख्खराज मख्सूदन लाल मल्होत्रा, इ-8- इंड- स्ट्रियल एरिया यमुना- नगर, जिला अस्सिना (हरयाणा)	चाय की पेटियों के लिए पटियां— IS : 10-1964	एस ओ दिनांक 6-11-1971	15-5-1972 बाद स्थगित
23	सी एम /एल-2691 2-6-1971	लार्सिंह सौंदरी एण्ड संस. खजूरो रोड, यमुनानगर. जिला अस्सिना (हरयाणा)	चाय की पेटियों के लिए पटियां— IS : 10-1970	एस ओ दिनांक 2-10-1971	15-6-1972 के बाद स्थगित

[सं० सी एम डी / 13:14]

S.O. 2761.—In pursuance of sub-rule (1) of rule 4 of the Indian Standards Institution (Certification Marks) Rules, 1955 the Indian Standards Institution hereby notifies that the Standard Mark, design of which together with the verbal description of the design and the title of the relevant Indian Standard is given in the Schedule hereto annexed, has been specified.

This Standard Mark for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952 and the Rules and Regulation framed thereunder, shall come into force with effect from 1 June, 1972 :

THE SCHEDULE

Sl. No.	Design of the Standard Mark	Product/Class of Product	No. and Title of the Relevant Indian Standard	Verbal description of the Design of the Standard Mark
(1)	(2)	(3)	(4)	(5)
1	IS : 3625 	Warp tubes for use on aluminium plug type spindles.	IS : 3625-1971 Specification for warp tubes for use on aluminium plug type spindles. (First revision)	The monogram of the Indian Standards Institution, consisting of letters 'ISI', drawn in the exact style and relative proportions as indicated in Col.(2), the number designation of the Indian Standard being super-scribed on the top side of the monogram as indicated in the design.

[No. CMD/13:9]

एमओ० २७६१.—भारतीय मानक संस्था(प्रमाणन चिह्न)नियम, १९५५ के नियम ४के उपचिनियम (१) के अनुसार भारतीय मानक संस्था की ओर मेर प्रधिसूचित किया जाना है कि मानक चिह्न जिसको डिजाइन और शाविक विवरण तत्वमन्धी भारतीय मानक के शीर्षक सहित नीचे अनुसूची में दिया गया है, भारतीय मानक गंतव्य द्वारा निर्धारित किया गया है।

भारतीय मानक संस्था (प्रमाणन चिह्न) अधिनियम, १९५२ और उसके अधीन बने नियमों के निमित यह मानक चिह्न १ जून १९७२ से लागू हो जाएगा।

अनुसूची

क्रम संख्या	मानक चिह्न की डिजाइन	उत्पाद / उत्पाद का वर्ग	सम्बद्ध भारतीय मानक की पद संख्या और शीर्षक	भारतीय मानक चिह्न की डिजाइन का शाविक विवरण
-------------	----------------------	-------------------------	--------------------------------------------	--------------------------------------------

1. IS : 3625



पल्युमिनियम के प्लगनुमा तकुओं पर काम आने वाली ताने की नियतियां

IS : 3625-1971 पल्युमिनियम भारतीय मानक संस्था का मोनोग्राम के प्लगनुमा तकुओं पर काम आने वाली ताने की नियतियों की विशिष्टि (पहला अनुरोधण)

जिसमें 'ISI' शब्द होते हैं स्तम्भ (२) में दिखाई गई शैली और अनुग्रात में तैयार किया गया है और जैसा दिखाया गया है उस मोनोग्राम के ऊपर की ओर भारतीय मानक की पद संख्या दी गई है।

[सं० सी एम डी / १३:९]

S.O.2762.—In partial modification of the then Ministry of Commerce & Industry (Indian Standards Institution) Notification No. 144 dated 14 June 1961 published in the Gazette of India, Part II, Section 3, Sub-Section(ii), dated 24 June 1961, the Indian Standards Institution hereby notifies that the Standard Marks for plywood for General purposes, have been revised. The revised design of the Standard Mark together with the title of the relevant Indian Standard and verbal description of the design is given in the following Schedule.

The revised design of the Standard Mark, for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952 and the Rules and Regulations framed thereunder, shall come into force with effect from 1 March 1972. However, to facilitate changeover by ISI licencees, the new and the old designs of the standard marks shall run concurrently up to 31 May 1972; after which the old designs shall be deemed to have been withdrawn:

SCHEDULE

Sl. No.	Design of the Standard Mark	Product/Class of Product	No. and Title of the Relevant Indian Standard	Verbal Description of the Design of The Standard Mark
(1)	(2)	(3)	(4)	(5)
I	ISI : 303 	Plywood for general purposes.	IS : 303-1960 Specification for plywood for general purposes (revised)	The monogram of the Indian Standards Institution, consisting of letters 'ISI', drawn up in the exact style and relative proportions, as indicated in Col. (2), the number designation of the Indian Standard being superscribed on the top-side of the monogram as indicated in the design.

[No. CMD/13:9]

एस.ओ. २७६२.—भारत के राजपत्र, भाग II, खण्ड ३, उपखण्ड (२), दिनांक २४ जून, १९६१, में प्रकाशित तत्कालीन वाणिज्य और उद्योग मंत्रालय (भारतीयमानक संस्था) अधिसूचना सं० १४४४ दिनांक १४ जून, १९६१ के आंशिक संशोधन के रूप में भारतीय मानक संस्था को और से अधिसूचित किया जाता है कि सामान्य उपयोग के लिए प्लाईवुड की मानक मुहर में संशोधन कर दिया गया है। मानक मुहर की संशोधित डिजाइन तत्सम्बन्धी भारतीय मानक के शीर्षक तथा डिजाइन के शास्त्रिक विवरण सहित निम्नलिखित अमुसूची में दी गई है।

मानक मुहर की यह संशोधित डिजाइन भारतीय मानक संस्था (प्रामाणन मुहर) अधिनियम १९५२ और उसके अधीन बने नियमों और विनियमों के कार्य के लिए १ मार्च १९७२ में लागू हो जाएगी, लेकिन भा० मा० सं० संस्था के लाइसेंसधारियों को इस परिवर्तन के लिए सुविधा देने के लिए इस मानक मुहर की नई और पुरानी दोनों डिजाइने ३१ मई, १९७२ तक साथ-साथ चलती रहेंगी; उसके पश्चात् पुरानी-डिजाइन हटा ली गई मान ली जाएगी।

क्रम सं०	मानक मुहर की डिजाइन	उत्पाद / उत्पाद का वर्ग	सम्बद्ध भारतीय मानक की पद संख्या और शीर्षक	भारतीय मानक मुहर की डिजाइन का शास्त्रिक विवरण
१.	IS: 303	सामान्य कार्यों के लिए प्लाईवुड	IS : 303-1960 सामान्य कार्यों के लिए प्लाईवुड की विशिष्टि (पुनरीक्षण)	भारतीय मानक संस्था का मोनोग्राम जिस में 'ISI' शब्द होते हैं तथम (२) में इकाई गई शैली और अनुपात में तैयार किया गया है और जैसा दिखाया गया है उस मोनोग्राम के ऊपर की ओर भारतीय मानक की पद संख्या दी गई है।

[सं० सी एम डी/१३:९]

S.O.2763.—In pursuance of sub-regulation (3) of regulation 7 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that the marking fee per unit for warp tubes use on aluminium plug type spindles, details of which are given in the Schedule hereto annexed, has been determined and the fee shall come into force with effect from 1 June, 1972:

THE SCHEDULE

Sl. No.	Product/Class of Product	No. and Title of Relevant Indian Standard	Unit	Marking Fee per Unit
1	2	3	4	5
१.	Warp tubes for use on aluminium plug type spindles.	IS: 3625-1971 Specification for warp tubes for use on aluminium plug type spindles (first revision).	One tonne	Rs. 10.00

[No. CMD/13:10]

एस.ओ. २७६३.—भारतीय मानक संस्था (प्रामाणन चिह्न) विनियम १९५५, के विनियम ७ के उपविनियम (३) के अनुसार भारतीय मानक संस्था की ओर से अधिसूचित विद्या जाता है कि एल्युमिनियम के प्लगनुमा तकुश्रों पर काम आने वाली ताने की नलियों की प्रति इकाई मुहरांकन फीस जिसके ब्यारे नीचे अनुमूल्यी में दिए गए हैं, निर्धारित की गई है और यह फीस १ जून, १९७२ से लागू हो जाएगी :

अनुमूल्यी

क्रम संख्या	उत्पाद / उत्पाद का वर्ग	सम्बद्ध भारतीय मानक की पद संख्या और शीर्षक	इकाई	प्रति इकाई मुहर लगाने की फीस
१	एल्युमिनियम के प्लगनुमा तकुश्रों पर काम आने वाली ताने की नलियों की विशिष्टि (पहला पुनरीक्षण)	IS: 3625-1971	एक मीटरी टन	रु० 10.00

[सं० सी एम डी/१३:१०]

New Delhi, the 3 July 1972

S.O. 2764.—In continuation of the then Ministry of Commerce and Industry (Indian Standards Institution) notification number S.O. 1814 dated 7 July 1960 published in the Gazette of India, Part II, Section 3 Sub-section (ii) dated 23 July 1960, the Indian Standards Institution hereby notifies additional designs of standard marks for wrought aluminium alloy for utensils, designs of which together with the verbal description of the designs and the title of the relevant Indian Standard are given in the following schedule.

These additional designs of the standard marks, for the purposes of the Indian Standards Institution (Certification Marks) Act, 1952 and the Rules and Regulations framed thereunder, shall come into force with effect from the dates shown against each:

THE SCHEDULE

Sl. No. 1	Design of the Standard Marks 2	No. and Title of the Relevant Indian Standard 3	Verbal description of the design of the standard marks 4	Date of effec- tive 5
1. IS:21		IS:21-1959 Specification for wrought aluminium and aluminium alloy for utensils (second revision) read with IS: 1868-1968 Specification for anodic coatings on aluminium (first revision)	The monogram of the Indian Standards Institution, consisting of letters 'ISI' drawn in the exact style and relative proportions as indicated in Col. (2), the number of the Indian Standard being superscribed, on the top side, and the grade designation, namely the words 'SIC ANODIZED', 'SIB ANODIZED' and 'NS3 ANODIZED' being subscribed under the bottom side of the monogram as indicated in the designs.	11 September 1964.
2. IS:21				13 March 1972
3. IS:21				13 March, 1972

[No. CMD/13:9]

नई दिल्ली, 4 जुलाई 1972

एसओ० 2764.—तत्कालीन व्यापार तथा उद्योग मंत्रालय (भारतीय मानक संस्था) से सम्बन्धित अधिसूचना संख्या एसओ० 1814 दिनांक 7 जुलाई, 1960 जो भारत के राजपत्र भाग II, खण्ड 3, उपखण्ड 2, दिनांक 23 जुलाई, 1960 में प्रकाशित हुई थी, के संदर्भ में भारतीय मानक संस्था द्वारा अधिसूचित किया जाता है कि पिटवां एल्युमिनियम मिश्र धातु के बर्तनों के लिए मानक चिह्नों के अतिरिक्त डिजाइन, जिनकी डिजाइन, शीर्षक मौखिक व्याख्या सहित नीचे अनुसूची में दी गई हैं।

मानक चिह्नों के ये अतिरिक्त ये डिजाइन भारतीय मानक संस्था (प्रमाणन चिह्न) अधिनियम 1952 तथा इसके अन्तर्गत निर्मित नियमों तथा विनियमों से सम्बन्धित कार्यों के लिए सामने दी हुई विधियों से लागू हो जाएंगे :

अनुसूची

क्रम संख्या	मानक चिह्न की डिजाइन	सम्बद्ध भारतीय मानक की पद संख्या और शीर्षक	भारतीय मानक चिह्न की डिजाइन का शास्त्रिक विवरण	लागू होने की तिथि
1. IS : 21		IS : 21-1959 पिटवां एल्यु- मिनियम तथा एल्युमिनियम मिश्र धातु के बर्तनों की विशिष्टि (दूसरा पुनरीक्षण) -IS: 1868-1968 एल्युमिनियम पर एनोडिक लेपन की विशिष्टि (पहला पुनरीक्षण) के संदर्भ में देखें	भारतीय मानक संस्था का मोनो- ग्राम जिस में 'ISI' पाठ्य होते हैं स्तम्भ (2) में विखाई गई शैली तथा अनुपात में तैयार किया गया है और जैसा दिखाया गया है उस मोनोग्राम के ऊपर की ओर भारतीय मानक की पद संख्या और मोनोग्राम के नीचे की ओर ग्रेड तथा उक्तनाम जैसे 'एस आई सी एनोडाइज्ड', 'एस आई बी एनोडाइज्ड' और 'एस एस 3 एनोडाइज्ड' विए गए हैं।	11 सितम्बर 1964 13 मार्च 1972 13 मार्च 1972
2. IS : 21				
3. IS : 21				

[स० सी एस शी/13:9]

S.O.2765.—In pursuance of sub-rule (1) of rule 4 of the Indian Standards Institution (Certification Marks) Rules, 1955 the Indian Standards Institution hereby notifies that the Standard Mark(s), design(s) of which together with the verbal description of the design(s) and the title(s) of the relevant Indian Standard(s) are given in the Schedule hereto annexed, have been specified.

These Standard Mark(s) for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952 and the Rules and Regulations framed thereunder, shall come into force with effect from April 1, 1972:

THE SCHEDULE

Sl. No.	Design of the Standard Mark 1	Product/Class of Product 2	No. and Title of the Relevant Indian Standard 3	Verbal description of the Design of the Standard Mark 5
1.	IS : 2475 	Smoked bacon	IS : 2475-1963 Specification for smoked bacon.	The monogram of the Indian Standards Institution, consisting of letters 'ISI', drawn in the exact style and relative proportions, as indicated in Col. (2), the number designation of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.
2.	IS : 2476 	Ham	IS : 2476-1963 Specification for ham.	The monogram of the Indian Standards Institution consisting of letters 'ISI', drawn in the exact style and relative proportions, as indicated in Col. (2), the number designation of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.

[No. CMD/13:9]

एस० ओ० 2765.—भारतीय मानक संस्था (प्रमाणन चिह्न) नियम 1955, के नियम 4 के उपविधियम (1) के अनुसार भारतीय मानक संस्था की ओर से अधिकृति किया जाता है कि मानक चिह्न जिनके डिज़ाइन और शाब्दिक विवरण तत्सम्बन्धी भारतीय मानकों के शीर्षक सहित नीचे अनुसूची में दिए गए हैं, भारतीय मानक संस्था द्वारा निर्धारित किए गए हैं।

भारतीय मानक संस्था (प्रमाणन चिह्न) अधिनियम 1952 और उसके अधीन बने नियमों के निमित्त ये मानक चिह्न 1 अप्रैल, 1972 से लागू हो जाएंगे :

अनुसूची

क्रम संख्या	मानक चिह्न की डिजाइन	उत्पाद / उत्पाद का वर्ग	सम्बद्ध भारतीय मानक की पद संख्या और शीर्षक	भारतीय मानक चिह्न की डिजाइन का शाब्दिक विवरण
(1)	(2)	(3)	(4)	(5)

1.	IS: 4725 	धूमित सूकर-मांस	IS: 2475-1963 धूमित सूकर-मांस की विशिष्टि	भारतीय मानक संस्था का मोनोग्राम जिसमें 'ISI' शब्द होते हैं स्तम्भ (2) में दो गई शैली और अनुपात में तैयार किया गया है और जैसा दिखाया गया है उस मोनोग्राम में ऊपर की ओर भारतीय मानक की पदसंख्या दी गई है।
----	-------------------------------------------------------------------------------------------------	-----------------	-------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

(1)	(2)	(3)	(4)	(5)
2. IS: 2476	 157476	सूब्र की जांघ का मांस	IS: 2476-1963 सूब्र की जांघ का मांस को विशिष्ट	भारतीय मानक संस्था का मोनोग्राम जिस में ISI शब्द होते हैं स्तम्भ (2) में दी गई शैली और अनुपात में तैयार किया गया है और जैसा दिखाया गया है उस मोनोग्राम में ऊपर की ओर भारतीय मानक की पद संख्या दी गई है।

[मंज्ञा एम डी/13:9]

S.O.2766.—In pursuance of sub-rule (1) of rule 4 of the Indian Standards Institution (Certification Marks) Rules, 1955 the Indian Standards Institution hereby notifies that the Standard Mark, design of which together with the verbal description of the design and the title of the relevant Indian Standard is given in the Schedule hereto annexed, has been specified.

This Standard Mark for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952 and the Rules and Regulations framed thereunder, shall come into force with effect from 1 May 1972:

Sl No.	Design of the Standard Mark	Product/Class of Product	No. and Title of the Relevant Indian Standard	Verbal description of the Design of the Standard Mark
1	2	3	4	5
1.	IS : 3205  153205	Precipitated barium carbonate, technical.	IS : 3205-1965 Specification for precipitated barium carbonate, technical.	The monogram of the Indian Standards Institution, consisting of letters 'ISI', drawn in the exact style and relative proportions as indicated in Col. (2), the number designation of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.

[No. CMD/ 13 : 9]

एस० ओ० 2766 —भारतीय मानक संस्था (प्रमाणन चिह्न) नियम 1955, के नियम 4 के उपविनियम (1) के अनुमार भारतीय मानक संस्था की ओर से अधिसूचित किया जाता है कि मानक चिह्न जिसको डिजाइन और शाब्दिक विवरण तत्सम्बन्धी भारतीय मानक के शीर्षक सहित नीचे अनुसूची में दिया गया है, भारतीय मानक संस्था द्वारा निर्धारित किया गया है।

भारतीय मानक संस्था (प्रमाणन चिह्न) अधिनियम 1952 और उसके अधीन वने नियमों के निमित्य यह मानक चिह्न 1 मई, 1972 से लागू हो जाएगा :

अनुसूची

क्रम संख्या	मानक चिह्न की डिजाइन	उत्पाद / उत्पाद का वर्ग	मन्दद्व भारतीय मानक की पद संख्या और शीर्षक	भारतीय मानक चिह्न की डिजाइन का शाब्दिक विवरण
-------------	----------------------	-------------------------	--------------------------------------------	----------------------------------------------

1. IS: 3205  153205	अवक्षेपित बेरियम तकनीकी	कार्बोनेट.	IS: 3205-1965 का अवक्षेपित बेरियम कार्बो-नेट, तकनीकी, की विशिष्टि	भारतीय मानक संस्था का मोनोग्राम जिस में 'ISI' शब्द होते हैं स्तम्भ (2) में दिखाई गई शैली और अनुपात में तैयार किया गया है और जैसा दिखाया गया है उस मोनोग्राम के ऊपर की ओर भारतीय मानक की पद संख्या दी गई है।
-----------------------------------------------------------------------------------------------------------	-------------------------	------------	-------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

[मंज्ञा सी एम डी / 13:9]

S.O.2767.—In pursuance of sub-regulation (3) of regulation 7 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that the marking fee(s) per unit for precipitated barium carbonate, technical details of which are given in the Schedule hereto annexed, has been determined and the fee(s) shall come into force with effect from 1 May 1972:

THE SCHEDULE

Sl. No.	Product/Class of Product	No. and Title of Relevant Indian Standard	Unit	Marking Fee per Unit
1	2	3	4	5
1.	Precipitated barium carbonate, technical.	IS : 3205-1965 Specification for precipitated barium carbonate, technical.	One Tonne	Rs. 2.50

[No. CMD/ 13.10]

एस०ओ० 2767.—भारतीय मानक संस्था (प्रमाणन चिह्न) विनियम 1955, के विनियम 7 के उपविनियम (3) के अनुसार भारतीय मानक संस्था की ओर से अधिसूचित किया जाना है कि अवधेपित बेरियम कार्बोनेट, तकनीकी, की प्रति इकाई मुहरांकन फीस जिसके ब्यांचे नीचे अनुसूची में दिए गए हैं, निर्धारित की गई है और यह फीस 1 मई 1972 से लागू हो जाएगी :

अनुसूची

क्रम संख्या	उत्पाद/उत्पाद का वर्ग	सम्बद्ध भारतीय मानक की पदसंख्या वेरियम कार्बोनेट, तकनीकी की विशिष्टि	इकाई	प्रति इकाई मुहर लगाने की फीस
1	अवधेपित बेरियम कार्बोनेट, तकनीकी IS : 3205-1965 अवधेपित एक टन वेरियम कार्बोनेट, तकनीकी की विशिष्टि			रु 2.50

[स० सी एम डी/ 13 : 10]

S.O.2768.—In pursuance of sub-regulation (3) of regulation 7 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that the marking fee(s) per unit for various products, details of which are given in the Schedule hereto annexed, have been determined and the fee(s) shall come into force with effect from 1 April, 1972 :

THE SCHEDULE

Sl. No.	Product/Class of Product	No. and Title of Relevant Indian Standard	Unit	Marking Fee per Unit
1	2	3	4	5
1.	Smoked bacon . . .	IS : 2475-1963 Specification for smoked bacon	One kg	10 Paise
22.	Ham . . .	IS : 2476-1963 Specification for ham	One kg	10 Paise.

[No CMD/ 13 : 1]

एस० ओ० 2768 —भारतीय मानक संस्था (प्रमाणन चिह्न) विनियम 1955, के उपविनियम (3) के अनुसार भारतीय मानक संस्था की ओर से अधिसूचित किया जाना है कि विभिन्न वस्तुओं की प्रति इकाई मुहरांकन फीसें जिनके ब्यांचे नीचे अनुसूची में दिए गए हैं, निर्धारित की गई हैं और ये फीसें 1 अप्रैल, 1972 से लागू हो जाएंगी :

अनुसूची

क्रम संख्या	उत्पाद/उत्पाद का नाम	सम्बद्ध भारतीय मानक की पद-संख्या और विशिष्टि	इकाई	प्रति इकाई मुहर लगाने की फीस
1.	धूमित सूकर-मांस	IS : 2475-1963 धूमित सूकर-मांस की विशिष्टि	एक कि० ग्रा०	10 पैसे
2.	सूअर की जांघ का मांस	IS : 2476-1963 सूअर की जांघ के मांस की विशिष्टि	एक कि० ग्रा०	10 पैसे

[स० सी एम डी/ 13 : 10]

S.O.2769.—In pursuance of sub-regulation (1) of Regulation 8 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended from time to time, the Indian Standards Institution hereby certifies that thirtyseven licences, particulars of which are given in the following Schedule, have been granted during the month of December 1971 authorising the licencees to use the Standard Marks:

THE SCHEDULE

Sl. No.	Licence No. (CM/L-)	Period of Validity From _____ to _____		Name and Address of the Licencee	Article/Process Covered by the Licence and the Relevant IS : Designation
		(1)	(2)	(3)	(4)
1.	CM/L-2825 2-12-1971	1-12-1971	30-11-1972	Fort Gloster Industries Ltd, (Unit -North Mill) Fort Gloster (Distt. Howrah) West Bengal (Office: 21, Strand Road, Calcutta)	B-twill jute bags— IS: 2566-1965
2.	CM/L-2826 3-12-1971	16-12-1971	15-12-1972	Goa Pesticides Pvt Ltd., Fatorda, Margao, Goa (Office: Chow- gule House, Marmugao Harbour, Goa)	Malathion emulsifiable concen- trates— IS : 2567-1963
3.	CM/L-2827 3-12-1971	16-12-1971	15-12-1972	Ciba of India Lal Bahadur Shastri Marg Bhandup, Bombay-78, (Office: 14 J Tala Road, Bombay-20)	Phosphamidon water soluble concentrates— IS: 6177-1971
4.	CM/L-2828 3-12-1971	16-12-1971	15-12-1972	Keerthi & Company 13th Mile Stone Hoskote Kodi(Distt. Bangalore) (office : 31 J.C. Road, Bangalore-2)	Nirric acid, pure and AR grades—IS: 264-1968
5.	CM/L-2829 3-12-1971	16-12-1971	15-12-1972	Do.	Hydrochloric acid, pure and AR grades— IS : 265-1962
6.	CM/L-2830 3-12-1971	16-12-1971	15-12-1972	Do.	Sulphuric acid, pure grade— IS : 266-1961
7.	CM/L-2831 7-12-1971	16-12-1971	15-12-1972	Liberty Chemical Works Nagardas Road Mogra West, Andheri East Bombay-69 (AS)	Anhydrous sodium thiosul- phate, photographic grade IS : 2211-1962
8.	CM/L-2832 8-12-1971	16-12-1971	15-12-1972	Central Insecticides & Fertilizers, Saki, Naka, Vihar Lake Road, Bombay-72	Dieldrin emulsifiable concen- trates—IS: 1054-1962
9.	CM/L-2833 8-12-1971	16-12-1971	15-12-1972	Manipur Khadi & Village Industries Association, (Carpentry & Blacksmithy Unit) Mahatma Gandhi Ave- nue, Imphal	Beehives-IS: 1515-1969
10.	CM/L-2834 9-12-1971	16-12-1971	15-12-1972	S.K.G. sugar Ltd. (Distilleries Division), P.O. Mirganj, Distt. Saran (Bihar)	Gir.—IS: 4100-1967
11.	CM/L-2835 9-12-1971	16-12-1971	15-12-1971	Tamilnad Cements, (Unit of Tamil Nadu Industrial Development Corp. Ltd), Tamilnad Cements—Alan- gulam P.O., (Via) Rajpalay- am, Sattur Taluk, Rama- nathapuram Distt. (Tamil Nadu)	Ordinary portland cement— IS: 269-1967
12.	CM/L-2836 13-12-1971	16-12-1971	15-12-1972	Laxmi Wires & Metal Industries Plot No. 126/28, In- dustrial Co-op. Estate, Col- lege Road, Nanded (C. Rly) Maharashtra (Office: 202, 'Arun Chambers' 2nd Floor, Tardeo Road, Bombay-34)	All aluminium conductors— IS: 398-1961
13.	CM/L-2837 13-12-1971	16-12-1971	15-12-1972	Hindustan Concrete & Allied Industries Bankaghpat, P.O. Jethuli, Patna [Office: Kris- hna Chowk, Station, Road, Patna-1 (Bihar State)]	Prestressed concrete pole for overhead power traction and telecommunication lines— IS: 1678-1960
14.	CM/L-2838 14-12-1971	16-12-1971	15-12-1971	Trichy Steel Rolling Mills, Ltd, Senthannipuram, Goldenrock, Tiruchirapalli- 4 (Tamil Nadu)	Cold twisted Deformed steel bars for concrete reinforce- ment—IS: 1786-1966

(1)	(2)	(3)	(4)	(5)	(6)
15. CM/L-2839 14-12-1971		16-12-1971	15-12-1972	Lilasons Breweries Pvt. Ltd. Industrial Area, Govind- pura, Bhopal-23 (MP)	Beer—IS: 3865-1966
16. CM/L-284 14-12-1971		16-1-1972	31-12-1972	Anand Industries, 4/5 Elaya Mudali Street, Madras-81, (Office: 18/1 Bheemanna Mudali Garden St., Madras 18)	BHC water dispersible powder concentrates—IS: 562-1962
17. CM/L-2841 15-12-1971		16-12-1971	15-12-1972	The Central India Iron & Steel Co., 38 Shilnath Camp. Indore	Structural steel(ordinary quality) —IS: 1977-1969
18. CM/L-2842 15-12-1971		16-12-1971	15-12-1972	Foremost Dairies Ltd., Dehra Dun Road, P.O. Kailaspur, Distt. Saharanpur (UP), (Office: Budhana Road, Muzaffarnagar)	Milk powder (skim)— IS: 1165-1967
19. CM/L-2843 15-12-1971		16-12-1971	15-12-1972	G.D.M. Cooperative Society Ltd., Shed No. C-7, Bon- hoogly Industrial Estate, Calcutta-35	Steel drums, grade, B-2, un- galvanised 3, 5, 10, 15, 20 & 25 litres capacity; galvani- zed 20 litres capacity— IS: 2552-1970
20. CM/L-2844 17-12-1971		1-1-1972	31-12-1971	Monometal Industries Pvt. Ltd., 1 School Road, P.O. Haltu (24 Parganas)	Tea-chest metal fittings — IS: 10-1964
21. CM/L-2845 17-12-1971		1-1-1972	31-12-1972	Buffet Carpets Ltd., Gurukul Indra Prastha Estate, P.O. Amar Nagar, Faridabad, Haryana (Office : 28-B, Connaught Place, New Delhi-1)	Tufted wool carpets with the following varieties: (a) loop pile; (b) super; (c) hi-pile; (d) lotus and (e) luxus— IS: 5884-1970
22. CM/L-2846 18-12-1971		1-1-1972	31-12-1972	Chempha Industries, 61, In- dustrial Development Co- lony, Mehrauli Road, Gurgaon (Haryana)	Zinc oxide for rubber industry IS: 3399-1965
23. CM/L-2847 18-12-1971		16-12-1971	15-12-1972	Metalliferous Products Co., 13/3, Milestone, Mathura Road, Faridabad (Haryana) (Office: M-100, Greater Kailash, New Delhi 48)	Soft solders— IS: 193-1966
24. CM/L-2848 18-12-1971		16-12-1971	15-12-1972	Do.	Solders for jointing aluminium, type soft IS: 5479-1969
25. CM/L-2849 21-12-1971		1-1-1972	31-12-1972	R.S. Julliram Shamlal (Cal.), 105 Naskar Para Road, Ghusuri, Howrah (Office: 19 Maharsi Debendra Rd., Calcutta 7)	Structural steel standard quality)— IS: 226-1969
26. CM/L-2850 21-12-1971		1-1-1972	31-12-1972	Do.	Structural steel (ordinary quality)— IS: 1977-1969
27. CM/L-2851 22-12-1971		16-12-1971	15-12-1972	General Industrial Society Ltd., (Gondalpara Jute Mill) Chandernagore, P.O. Gondalpara, Distt. Hooghly (Office : 8 India Exchange Place, Calcutta-1)	B-twill jute bags - IS : 2566-1965
28. CM/L-2852 23-12-1971		16-12-1971	15-12-1972	Vankateswara Agro Chemi- cals and Minerals, Plot No. 3 B, Industrial Estate, Ambattur, Madras-53	BHC dusting powders - IS : 561-1962
29. CM/L-2853 23-12-1971		16-12-1971	15-12-1972	Do.	DDT dusting powders - IS : 564-1961
30. CM/L-2854 30-12-1971		1-1-1972	31-12-1972	Keen Pesticides (P) Ltd., South Vazhakulam P.O., Kunnathunadu Taluk, (Via) Alwaye, Ernakulam Distt. Kerala (Office : Tower House, M.G.Road, P. B. No. 1190, Ernakulam)	Parathion emulsifiable con- centrates - IS : 2129-1962

(1)	(2)	(3)	(4)	(5)	(6)
31. CM/L-2855 30-12-1971	I-I-1972	31-12-1972	Veneer Mills Pvt. Ltd., Suryagram, Tinsukia (Assam)	Black boards— IS : 1659-1969	
32. CM/L-2856 30-12-1971	I-I-1972	31-12-1972	Assam Veneer Co., Margherita (Assam)	Tea-chest plywood panels— IS : 10-1970	
33. CM/L-2857 31-12-1971	I-I-1972	31-12-1972	Kores (India) Ltd., 1st Pokhran Road, Panchpakhadi, Thane (West), (Maharashtra)	Ink, duplicating, all weather, black for drum type machines— IS : 1333-1958	
34. CM/L-2858 31-12-1971	I-I-1972	31-12-1972	New Chemi Mineral Mills Pvt. Ltd., Ashok Nagar Cross Road No. 1, Kandivli (East), Bombay 67 (Office : 7-A, Dean Lane, Bombay 1)	Malathion dusting powder— IS : 2568-1963	
35. CM/L-2859 31-12-1971	I-I-1972	31-12-1972	Udaipur Distillery Co. Pvt. Ltd., Udaisagar Road, Udaipur (Rajasthan)	Whisky— IS : 4449-1967	
36. CM/L-2860 31-12-1971	I-I-1972	31-12-1972	Smita Conductors Pvt. Ltd, Kot, Ghaziabad (UP)	Hard-drawn stranded aluminium and steel cored aluminium conductors for overhead power transmission purpose— IS : 398-1961	
37. CM/L-2861 31-12-1971	I-I-1972	31-12-1972	Prakash Engineering Co., Mettupalayam Road, Saibaba Mission P.O., Coimbatore-II (Tamil Nadu)	Horizontal centrifugal pumps for clear, cold, fresh water, size 65mm x 50 mm only— IS : 1520-1960	

[No. CMD/13:11]

एस० ओ० 2769.—समय समय पर संशोधित भारतीय मानक संस्था (प्रमाणन चिह्न) विनियम, 1955 के विनियम 8 के उपविनियम (1) के प्रनुसार भारतीय मानक संस्था की ओर से अधिसूचित किया जाता है कि 37 लाइसेंस जिनके बीचे नीचे प्रनुसूची में दिए गए हैं लाइसेंसधारियों को मानक मध्यन्ती मुद्रर लाने का अधिकार दिसम्बर 1971 माह से देते हुए स्वीकृत किए गए हैं।

अनुसूची

क्रम संख्या	लाइसेंस संख्या सी एम एल—	वैधता की से तक	लाइसेंसधारी का नाम व पता	लाइसेंस के अधीन वस्तु/प्रक्रिया और तत्सम्बन्धी IS : पदनाम	
(1)	(2)	(3)	(4)	(5)	(6)
1	सी एम / एल—2825 2-12-1971	1-12-1971 30-11-1972	फोर्ट ग्लोस्टर इंडस्ट्रीज़ लि० , (ईकाई-नार्थ मिल) फार्ट ग्लोस्टर (जिलाहावड़ा) प० बंगल (कार्यालय-21 स्टैटंड रोड), कलकत्ता	श्री-ड्रिल पटसन के बीचे— IS: 2566-1965	
2	सी एम / एल—2826 3-12-1971	16-12-1971 15-12-1972	गोआ पेस्टीसाइड्स प्रा० लि०, फटोरडा, भारतांव गोआ, कार्यालय : चौगुले हाऊस मारमुगांव बन्दरगाह (गोआ)	मालाखियोन पायसनीय तेज द्रव— IS: 2567-1963	
3	सी एम / एल—2827 3-12-1971	16-12-1971 15-12-1972	सीवा आफ इंडिया, लाल बहादुर फास्कामिड्न जल धूलन- मास्त्री मार्ग, मंडप, बम्बई-78 (कार्यालय : 14 जैतल्सा रोड)	पील तेज चूर्ण— बम्बई-20 IS: 6177-1971	

(1)	(2)	(3)	(4)	(5)	(6)
4	सी एम / एल—2828 3—12—1971	16—12—1971	15—12—1972	कीर्ति प्रण कम्पनी, 13वां, मील नाइट्रिक अम्ल शुद्ध तथा होस्कोट कोड़ी (जिला बंगलौर) 'ए' आर ग्रेड — 31 जे० सी० रोड, बंगलौर—2	IS : 264—1968
5	सी एम / एल—2829 3—12—1971	16—12—1971	15—12—1972	"	हाष्ट्रोक्लोरिक अम्ल, शुद्ध तथा 'ए' आर ग्रेड — IS: 265—1962
6	सी एम / एल—2830 3—12—1971	16—12—1971	15—12—1972	"	सल्फ्यूरिक अम्ल, शुद्ध ग्रेड— IS: 266—1961
7	सी एम / एल—2831 7—12—1971	16—12—1971	15—12—1972	निवरठी केमिकल वर्क्स, नगर रास रोड, मोगरा पश्चिम, अंधेरी पूर्व, बम्बई—69 (ए एस)	सल्फ्यूरिक अम्ल शुद्ध ग्रेड— IS: 266—1961
8	सी एम / एल—2832 8—12—1971	16—12—1971	16—12—1972	मेटल इमेक्टीसाइड्स एण्ड फर्टीलाइजर्स, सकीनका, विहार लेक रोड, बम्बई—72	डाइएल्ड्सन पायसनीय तेज द्रव— IS: 1054—1962
9	सी एम / एल—2833 8—12—1971	16—12—1971	15—12—1972	मनोपुर खादी एण्ड विलेज इंडस्ट्रीज मधुमक्खियों के छत्ते— एसोसिएशन, (कारपेनटरी तथा ब्लैकस्मिथी इकाई) महात्मा-गांधी एवंन्य, इम्फाल।	IS: 1515—1969
10	सी एम / एल—2834 9—12—1971	16—12—1971	15—12—1972	एस० के० जी० शुगर लि०, (डिस्ट्रीलीरीज डिविजन) डाकघर मीरगंज, जिला सरन (बिहार)	जिन— IS: 4100—1967
11	सी एम / एल—2835 9—12—1971	16—12—1971	15—12—1972	तमिलनाडू सीमेंट, (तमिलनाडू इंडस्ट्रियल डिवेलोपमेंट कार- पोरेशन लि० की इकाई) तमिलनाडू सीमेंट-अलगुम डाकघर, बरास्ता राज्यपालायन, स्तूर तलुक, रामनाथ-पुरम् जिला (तमिलनाडू)	साधारण पोर्टलैण्ड सीमेंट— IS: 269—1967
12	सी एम / एल—2836 13—12—1971	16—12—1971	15—12—1972	लक्ष्मी वायर एण्ड मेटल इंडस्ट्रीज, सारे एल्युमिनियम चालक-प्लाट सं० 126/28, इंडस्ट्रियल कोओपेरेटिव इस्टेट, कलिज रोड, नाडेड (मध्य रेलवे) महाराष्ट्र कायरलिय : 202 श्रण चैम्बर्स, तीसरी मंजिल, तारादेव रोड, बम्बई—34	IS : 398—1961
13	सी एम / एल—2837 13—12—1971	16—12—1971	15—12—1972	हिन्दुस्तान कंकीट एण्ड एलाइड इंड- शिरोपरि पावर तथा दूर-स्ट्रीज, बैंकघाट, डाकघर जेथली, संचार लाइनों के खीचने पटना, कायरलिय : कृष्ण चौक, के लिए पूर्व प्रबलित स्टेशन रोड, पटना—1 (बिहार कंकीट के छान्दे— राज्य)	IS : 1678—1960

(1)	(2)	(3)	(4)	(5)	(6)
14 सी एम / एल — 2838	16-12-1971 14-12-1971	15-12-1972	विचे स्टील रोलिंग मिल्स लि०, कंक्रीट प्रबलन के लिए ठंडी सैनथानिपुरम्, गोल्डन राक, मरोड़ी इस्पात की छड़े-तिलचिरापल्ली-4(तमिलनाडू) IS : 1786-1966		
15 सी एम / एल—2839	16-12-1971 14-12-1971	15-12-1972	लीलासंस बेवीरीज प्रा० लि०, हैंड-स्ट्रियल एरिया, गोविन्दपुरा, IS : 3865-1966 भोपाल-23 (म० प्र०)॥		
16 सी एम एल—2840	1-1-1972 14-12-1971	31-12-1972	आनन्द इंडस्ट्रीज, 415, एलाय बी एच सी जल विसर्जनीय मुदाली स्ट्रीट, मद्रास-81 तेज चूर्ण - (कार्यालय : 18 / 1 भीमन्ना IS : 562-1962 मुदाली गार्डन स्ट्रीट, मद्रास-18)		
17 सी एम / एल—2841	16-12-1971 15-12-1971	15-12-1972	दि सेंट्रल इंडिया आयरन एण्ड संरचना [इस्पात (साधारण स्टील कं०, 38—शीलनाथ- किस्म) कैम्प, इन्दौर IS : 1977-1969		
18 सी एम / एल—2842	16-12-1971 15-12-1971	15-12-1972	फारमोस्ट डेरीज लि०, देहरादून हूघ का पाउडर (सेंपेरेटा)-रोड, डाकघर कैलाशपुर, जिला IS : 1165-1967 सहारनपुर (उ० प्र०) (कार्यालय: बुढ़ाना रोड) मुज्जफरनगर)		
19 सी एम / एल—2443	16-12-1971 15-12-1971	15-12-1972	जी०डी०एम०, कोओपरेटिव सोसायटी लि०, शैड सं० सी -7 बनहुगली इंडस्ट्रियल इस्टेट, कलकत्ता-35 ग्रेड बी 2 के बिना जस्त चढ़े इस्पात के 3, 5, 10, 15 20, और 25 लीटर समाई वाले तथा जस्ता चढ़े 20 लीटर समाई वाले ड्रम - IS : 2552-1970		
20 सी एम / एल — 2844	1-1-1972 17-12-1971	31-12-1972	मोनो मेटल इंडस्ट्रीज प्रा० लि०, चाय की नेटियों के लिए 1-स्कूल रोड, डाकघर हल्टू, धातु के फिटिंग (24 परगना) IS : 10-1964		
21 सी एम / एल—2845	1-1-1972 17-12-1971	31-12-1972	भारत कारपेट लि०, गुरुकुल इन्ड्र-प्रस्थ इस्टेट, डाकघर अमरनगर, दार (तप्तदार) ऊरी फरीदाबाद-हरयाणा), (कार्यालय-28-बी.कनाट प्लेस, (क) लूप-पाइल (ख) सुपर नई दिल्ली-1) (ग) ही-पाइल (घ) लोटस (ड) लूक्स- IS : 5884-1970		
22 सी एम / एल—2846	1-1-1972 18-12-1971	31-12-1972	चम्पा इंडस्ट्रीज, 61-इंडस्ट्रियल , डेवेल्पमेंट कालोनी, महरोली, रवड उद्योग के लिए जिक रोड, गुडगांव, (हरयाणा) आक्साइड - IS : 3397-1965		

(1)	(2)	(3)	(4)	(5)	(6)
23	सी एम / एल—2847	16-12-1971 18-12-1971	15-12-1972	मल्टीफीरय प्रोडक्ट्स लि०, 13/3, वां, मील, मथुरा रोड, फरीदा- बाद (हरयाणा) (कार्यालयः एम-100, प्रेटर कैलाश, नई दिल्ली-48)	सापट शोल्डर्स— IS : 193-1966
24	सी एम / एल—2848	16-12-1971 18-12-1971	15-12-1972	मल्टी फीयर प्रॉडक्ट्स लि०, 13/3 वां मील, मथुरा रोड, फरीदा- बाद (हरयाणा) (कार्यालयः एम-100, प्रेटर कैलाश, नई दिल्ली -48)	सॉफ्ट एल्यूमिनियम टाइप जोड़ने के लिए शोल्डर— IS : 5479-1969
25	सी एम / एल—2849	1-1-1972 21-12-1971	31-12-1972	ग्रार० एस० जुलीराम शमलाल (कलकत्ता), 105, नसकर पारा रोड, घुसूरी, हावडा , (कार्यालय : 19 महाराही देवेन्द्र रोड, कलकत्ता -7)	संरचना इस्पात (मानक किस्म)— IS : 226-1969
26	सी एम / एल—2850	1-1-1972 21-12-1971	31-12-1972		संरचना इस्पात (साधारण किस्म)— IS : 1977-1969
27	सी एम / एल—2851	16-12-1971 22-12-1971	15-12-1972	जनरल इंडस्ट्रियल सोसाइटी लि०, बी ट्रिवल जूट के बोरे— (गोंदलपाड़ा जूट मिल) चन्द्र- नगर, डाकघर (गोंदलपाड़ा) जिला हुगली । (कार्यालय : 8-इंडिया एक्सचेंज प्लेस) कलकत्ता -1	IS : 2566-1965
28	सी एम / एल—2852	16-12-1971 23-12-1971	15-12-1972	वंकटेश्वर एओ केमिकल्स एण्ड बी एच सी धूलन पाउर- मिनरल्स, प्लाट सं० 3 बी, IS : 561-1962 इंडस्ट्रियल इस्टेट, अम्बाटूर, मद्रास -53	
29	सी एम / एल—2853	16-12-1971 23-12-1971	15-12-1972		डी डी टी धूलन पाउडर — IS : 564-1961
30	सी एम / एल—2854	1-1-1972 30-12-1971	31-12-1972	कीन पेस्टीसाइड्स (प्रा) ली०, साउथवजाकुलम् डाकघर, कुन्नाथू तालुक, (बरास्ता) आलवाय , IS : 2129-1962 एनाकुलम जिला, केरल, (कार्या- यल : टावरहाउस, एम० जी० रोड, पो० बा० सं० 1190 एनाकुलम)	पैराथियोन पायसनीय तेज द्रव—

(1)	(2)	(3)	(4)	(5)	(6)
31 सी एम / एल—2855 30-12-1971	1-1-1972	31-12-1972	बेनीर मिल्स प्रा० लि०, सूर्यग्राम, तिनसुखिया, (असम)	ब्लैक बोर्ड— IS : 1659-1969	
32 सी एम / एल—2856 30-12-1971	1-1-1972	31-12-1972	असम बनीयर कं०, मारवरेटिया (असम)	चाय की पेटियों के लिए प्लाइवुड के तर्जे— IS : 10-1970	
33 सी एम / एल—2857 31-12-1971	1-1-1972	31-12-1972	कोरस (हिंडिया) लि०, प्रथम, पोखरन रोड, पंचखड़ी, शाना (पश्चिम) (महाराष्ट्र)	इमनुमा मशीनों के लिए सारी ऋतु की काली डुप्लीकेटिंग स्थानी— IS : 1333-1958	
34 सी एम / एल—2854 31-12-1971	1-1-1972	31-12-1972	न्यू केपि-मिनरल मिल्स प्रा० लि०, ग्रामीक नगर, कांस रोड सं० १	मालाधियोन धूलन पाउडर— कंडीवली (पूर्व) बम्बई-67 (कार्यालय : ७-ए— ढीन लेन बम्बई-1)	IS : 2568-1963
35 सी एम / एल—2859 31-12-1971	1-1-1972	31-12-1972	उदयपुर डिस्ट्रिक्टरी कं० प्रा० लि०, उदयपुर रोड, उदयपुर, (राजस्थान)	त्रिस्कियो— IS : 4449-1967	
36 सी एम / एल—2860 31-12-1971	1-1-1972	31-12-1972	समीता कंडक्टरस प्रा० लि०, कोट, गाजियाबाद (उ० प्र०)	शिरोपरि पावर प्रेषण कार्यों के लिए सञ्चय खिचे लड़दार एल्यू- मिनियम और इस्पात की कोर वाले एल्युमि- नियम चालक— IS : 398-1961	
37 सी एम / एल—2861 31-12-1971	1-1-1972	31-12-1972	प्रकाश इंजीनियरिंग कं०, मैटप - ल्लायम रोड, सौईशाबा मिशन डाकघर, कोयमबटूर-11 (तमिलनाडू)	स्वच्छ स्वच्छ, ठडे और साफ पानी के लिए क्षैतिज आपकेद्वीय पम्प केवल 65 मिमी और 50 मिमी साइज वाले— IS : 152-1960	

New Delhi, the 5th July 1972

S.O.2770.—In pursuance of sub-regulation (1) of Regulation 8 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended from time to time, the Indian Standards Institution, hereby, notifies that one hundred and twenty-six licences particulars of which are given in the following schedule, have been renewed during the month of November, 1971.

THE SCHEDULE

Sl. No.	Licence No. and Date No.	Period of Validity		Name and Address of the Licensee (5)	Article/Process Covered by the Licence and the Relevant IS Designation (6)
		from (2)	To (3)		
(1)	(2)	(3)	(4)	(5)	(6)
1.	CM/L-20 24-10-1956	. . .	16-10-1971 15-10-1972	Digvijay Cement Co. Ltd., Sikka, Saurashtra.	Ordinary, rapid hardening and low heat portland cement — IS 269- 1967
2.	CM/L-104 15-10-1958	. . .	1-11-1971 31-10-1972	E.I.D. Parry Ltd., Nellikuppam, (Distt. South Arcot)	Rectified Spirit, Grade I— IS : 323-1959
3.	CM/L-141 24-9-1959	. . .	1-10-1971 1-30-9-1972	Tata Fison Industries Ltd., 20, Howrah Road, Salkia, Calcutta.	DDT DP— IS : 564-1961
4.	CM/L-142 24-9-1959	. . .	1-10-1971 30-9-1972	Do.	B H C D P— IS : 561-1962
5.	CM/L-168 22-2-1960	. . .	1-10-1971 30-9-1972	Tata Fison Industries, 20 Howrah Road, Salkia, Calcutta.	BHC WDP— IS : 562-1961
6.	CM/L-188 27-4-1960	. . .	16-11-1971 15-11-1972	Bharat Starch & Chemicals Ltd., P.O. Yamuna Nagar, Rly. Station Jagadhri, Distt. Ambala.	(a) Edible maize starch (coarse flour)— IS : 1005-1969 (b) Maize starch for use in the cotton textile industry— IS : 1184-1968.
7.	CM/L-199 15-6-1960	. . .	1-10-1971 30-9-1972	Bharat Pulverising Mills P. Ltd., 589, Thiruvottiyur High Road, Madras-19.	BHC WDP— IS : 562-1962
8.	CM/L-200 15-6-1960	. . .	1-10-1971 30-9-1972	Do.	DDT DP— IS : 564-1961
9.	CM/L-201 15-6-1960	. . .	1-10-1971 30-9-1972	Do.	DDT WDP— IS : 565-1961
10.	CM/L-202 15-6-1960	. . .	1-10-1971 30-9-1972	Do.	BHC DP— IS : 561-1962
11.	CM/L-217 31-8-1960	. . .	1-10-1971 30-9-1972	Tata Fison Industries, 20, Howrah Road, Salkia, Calcutta.	DDT WDP— IS : 565-1961
12.	CM/L-317 26-6-1961	. . .	1-11-1971 1-31-10-1972	Cable Corporation of India Ltd., Laxmi Building, 6, Ballard Road, Ballard Estate, Fort, Bombay-I.	Paper-insulated lead-sheathed ca- bles for electricity supply up to and including 33 KV— IS : 692-1965
13.	CM/L-339 1-9-1961	. . .	1-11-1971 1-31-10-1972	Production Centre for Electric Mo- tors (Govt. of India, Ministry of Industrial Development Department of Industrial Development) Tiruvalla-5 (Kerala)	Three-phase induction motors upto 7.5 kW (10 hp) with class 'A' insulation— IS : 325-1961
14.	CM/L-344 20-9-1961	. . .	16-10-1971 1-15-10-1972	Godrej Soaps Pvt. Ltd., Eastern Express Highway Vikhroli, Bombay- 79.	(i) Stearic Acid, technical Grade 3— IS : 1675-1960 (ii) Oleic Acid, technical Grade 3— IS : 1676-1960
15.	CM/L-349 20-10-1961	. . .	1-11-1971 1-31-10-1972	Cable Corporation of India Ltd., Laxmi Building, 6, Ballard Road, Ballard Estate, Fort, Bombay-I.	PVC insulated (heavy duty) electric cables for working voltages up to and including 1100 Vots— IS : 1554 (Part I) —1964
16.	CM/L-367 15-12-1961	. . .	1-10-1971 1-30-9-1972	Bharat Pulverising Mills P. Ltd., 589, Thiruvottiyur High Road, Madras-19.	Endrin EC— IS : 1310-1958
17.	CM/L-452 3-9-1962	. . .	1-11-1971 30-4-1972	Northern Minerals Pvt. Ltd., Gurgaon (Haryana).	BHC dusting powders— IS : 561-1962
18.	CM/L-460 28-9-1962	. . .	16-11-1971 1-15-11-1972	Geo Industries & Insecticides (India) Pvt. Ltd. Field No. 82/3 (a) Sathan- kadu, Kaladipet, Madras-19.	BHC dusting powder— IS : 561-1958
19.	CM/L-461 28-9-1962	. . .	16-11-1971 1-15-11-1972	Do.	Endrin emulsifiable concentrates— IS : 1310-1958

(1)	(2)	(3)	(4)	(5)	(6)
20.	CM/L-501	1-2-1971	30-9-1972	Tata-Hison Industries Limited, 20, Endrin emulsifiable concentrates— Howrah Road, Salkia, Calcutta. IS : 1310-1958	
21.	CM/L-539	1-10-1971	30-9-1972	do.	Copper oxychloride WDP— IS : 1507-1966
22.	CM/L-561	1-8-1971	31-7-1972	Lloyd Bitumen Products (P) Ltd., 1, Taratola Road, Calcutta-53.	Bitumen felts for waterproofering and damp-proofing, Type 3, Grades 1 and 2 ; and Type 2, Grade 2— IS : 1322-1965
23.	CM/L-576	1-10-1971	31-3-1973	Hindustan Steel Ltd., Durgapur Steel Plant, Durgapur—3 (West Bengal)	Structural Steel (fusion welding quality)— IS : 2062-1969
24.	CM/L-577	1-10-1971	30-9-1972	Bharat Pulverising Mills P. Ltd., 1074, Thiruvottiyur High Road, Madras-19.	Parathion EC— IS : 2129-1962
25.	CM/L-607	1-11-1971	31-10-1972	Production Centre for Electric Motors (Govt. of India, Ministry of Industrial Development) Tiruvalla-5 (Kerala)	Single-phase Capacitor Starter Small AC and universal electric motors from 0.18KW (0.25 hp) to 0.75 kW (1 hp) with class 'A' insulation— IS : 996-1964
26.	CM/L-614	1-8-1971	31-7-1972	Lloyd Bitumen Products (P) Ltd., 1, Taratola Road, Calcutta.	Preformed fillers for expansion joint in concrete non-extruding and resilient type (bitumen-impregnated-fibre)— IS : 1838-1961
27.	CM/L-701	16-10-1971	15-10-1972	Godrej Soaps Pvt. Ltd., Eastern Express Highway, Vikhroli, Bombay-79	Stearic Acid, technical, Grade 2— IS : 1675-1960
28.	CM/L-782	16-10-1971	15-10-1972	Hindustan Wires Ltd. B.T. Road, P. O. Suckchar, Distt. 24 Parganas.	Plain harddrawn steel wire for prestressed concrete— IS : 1785-(Pt-I)—1966
29.	CM/L-789	16-10-1971	15-10-1972	Prima Brushware, 30, Suryya Sen Street, Calcutta-9.	Brushes, paints and varnishes, flat, 100 m. m. Size. IS : 384-1964
30.	CM/L-791	16-10-1971	15-10-1972	Aluminium Corporation of India Ltd., 7, Council House Street, Calcutta-1.	Hard-drawn stranded aluminium and steel-cored aluminium conductors for overhead power transmission purposes— IS : 1398-1961
31.	CM/L-792	16-10-1971	15-10-1972	Hindustan Wires, Ltd., B.T. Road, P.O. Suckchar, Distt. 24 Parganas (WB)	Steel wire for the core of steel cored aluminium conductors for overhead power transmission purposes— IS : 398-1961
32.	CM/L-1050	16-10-1971	15-10-1972	Kashmira Ceramic Products (P) Ltd., Swami Vivekanand Road, Village Mira, P.B. No. 7708, Borivali, Bombay-92.	Salt-glazed stoneware pipes and fittings of diameter 100 mm, 150 mm, 200 mm & 300 mm— IS : 651-1965
33.	CM/L-1110	16-11-1971	15-11-1972	The Aluminium Industries Ltd., Ramachandrapuram P.O. Hyderabad-32.	Polythene insulated and PVC-sheathed cables, single core with aluminium conductors only — IS : 1596-1962
34.	CM/L-1138	1-10-1971	30-9-1972	Shiva Durga Iron Works (P) Ltd., 156/1 & 172/11, Madhusudhan Palchowdhury Lane, Howrah.	(a) Sluice Valves for waterworks purposes (inside screw non-rising spindle type) class 1 & 2, from 50 to 300 mm size— IS : 780-1969 and (b) Sluice Valves for waterworks purposes, class 1 and 2 from 3500mm to 900 mm size & 1200 mm size— IS : 2906-1969
35.	CM/L-1144	16-10-1971	15-10-1972	Auto Pins (India) Regd., Plot No. 16, Industrial Area, Faridabad. (Haryana)	Spring leaves and leaf springs— IS : 1135-1966
36.	CM/L-1146	16-10-1971	15-10-1972	Lillooah Steel and Wire Company Ltd., 15/2, Belur Road, Lillooah, Howrah.	Structural Steel (standard quality), [tested steel rounds upto 25 mm dia. (1 inch) and other sections of equivalent area only]— IS : 1226-1969
37.	CM/L-1147	16-10-1971	15-10-1972	Do.	Structural Steel (ordinary quality) [tested steel rounds upto 25 mm dia (1 inch) and other sections of equivalent area only]— IS : 1977-1969

(1)	(2)	(3)	(4)	(5)	(6)
38. CM/L-1169 . 3-12-1965	.	16-12-1971	30-6-1972	Central Insecticides & Fertilizers, 110, Industrial Estate, Indore (MP).	DDT water dispersible powder con- centrates— IS : 565-1961
39. CM/L-1317 . 29-8-1966	.	16-10-1971	15-10-1972	Hindustan Wires Ltd., B.T. Road, P.O. Sukchar, Distt. 24 Parganas (WB)	Galvanized round steel armour wire— IS : 434 (Parts I & II)—1964 and IS : 3975-1967
40. CM/L-1488 . 10-8-1967	.	1-11-1971	31-10-1972	Assam Bengal Veneer Industries P Ltd., 32, Canal South Road, Calcutta-15.	Tea-chest metal fittings— IS : 10-1964
41. CM/L-1525 . 15-9-1967	.	1-10-1971	30-9-1972	Bharat Pulvarising Mills P. Ltd., 1074, Thiruvottiyur High Road, Madras-19.	Copper Oxychloride WDP— IS : 1507-1966
42. CM/L-1531 . 26-9-1967	.	1-10-1971	30-9-1972	Khaitan Sons & Co. (Tea chest) Ltd., 34, B.T. Road, Cossipore, Calcutta-2	Tea-chest metal fittings— IS : 10-1964
43. CM/L-1553 . 25-10-1967	.	1-11-1971	31-10-1972	Devidayal Rolling & Refineries Pvt. Ltd., Pokhran Road, Thana, Bombay.	Structural Steel (Standard quality) IS : 226-1969
44. CM/L-1554 . 25-10-1967	.	1-11-1971	31-10-1972	Do.	Structural Steel (ordinary quality) —IS : 1777-1969
45. CM/L-1556 . 7-III-1967	.	16-11-1971	15-11-1972	Sehgal Sanitary Fittings (P) Ltd., Village Chuharwali, P.O. Adampur, Jullundur (Punjab)	Sand-cast brass screw-down bib taps and stop taps, 15 mm size for water services— IS : 781-1967
46. CM/L-1576 . 29-11-1967	.	1-12-1971	30-11-1972	Sudershan Timber Trading Co., Saharanpur Road, P.O. Yamuna- nagar, Distt. Ambala (Haryana).	Plywood Tea-Chest Battens— IS : 10-1964
47. CM/L-1666 . 1-4-1968	.	1-10-1971	31-3-1972	United Pulverisers, Bodla, Agra-7.	BHC dusting powders— IS : 561-1962
48. CM/L-1674 . 10-4-1968	.	16-10-1971	15-10-1972	Indofil Chemicals Limited, off Akbar Camp Road, Kolshet Road, Thana	Zineb water dispersible powder— IS : 3899-1966
49. CM/L-1698 . 16-5-1968	.	16-11-1971	15-11-1972	Golden Steel Corp., P. Ltd., 64, G.T. Road, Lilluah, Howrah.	Structural Steel (standard quality)— IS : 226-1969
50. CM/L-1699 . 16-5-1968	.	16-11-1971	15-11-1972	Do.	Structural Steel (ordinary quality)— IS : 1777-1969
51. CM/L-1704 . 21-5-1968	.	1-11-1971	31-10-1972	Chemicals and Insecticides, Ram- nagar Karanjha, Rly. Station, Kush- mi N.E. Rly, Gorakhpur (UP).	BHC dusting powders— IS : 561-1962
52. CM/L-1707 . 31-5-1968	.	16-11-1971	15-11-1972	The Aluminium Industries Ltd., Ramachandrapuram, Hyderabad-32 (AP)	Hard-drawn stranded aluminium conductors for overhead power transmission purposes— IS : 398-1961
53. CM/L-1730 . 28-6-1968	.	1-11-1971	31-10-1972	Bombay Wire Ropes Ltd., Kolshet Road, Thana.	(a) Steel Wire ropes for winding purposes in mines— IS : 1855-1961 (b) Steel wire ropes for haulage purposes in mines— IS : 1856-1961
54. CM/L-1784 . 10-9-1968	.	16-9-1971	15-9-1972	Chaliha Rolling Mills (P) Ltd., 13, Chanditala Lane, Tolly-gunge, Calcutta-40.	Galvanized steel barbed wire for fencing— IS : 278-1969
55. CM/L-1791 . 16-9-1968	.	16-10-1971	15-10-1972	Sur Iron & Steel Co. P. Ltd., 15 Convent Road, Calcutta-14.	DC electric welding generator having maximum continuous hand welding current of 300 amperes— IS : 2635-1966.
56. CM/L-1802 . 4-10-1968	.	1-11-1971	31-10-1972	Bombay Wire Ropes Ltd., Kolshet Road, Thana (Maharashtra)	Steel wire ropes for general en- gineering purposes— IS : 2266-1963
57. CM/L-1808 . 14-10-1968	.	16-10-1971	15-10-1972	The Mineral Mining Co. Pvt. Ltd., P. O. Rayalcheruva, Tadaptri TO, Anantapur Distt. (A.P.)	BHC dusting powder— IS : 561-1962
58. CM/L-1811 . 14-10-1968	.	16-10-1971	15-10-1972	Albion Plywood [Prop: Bharat Over- seas (P) Ltd.] Kalipore, Budge Budge, 24 Parganas (West Bengal)	Wooden flush door shutters (solid core, type) with plywood face panels— IS : 2202 (Pt. I)—1966
59. CM/L-1812 . 14-10-1968	.	16-10-1971	15-10-1972	Sur Iron & Steel Co. (P) Ltd., 15 Convent Road, Calcutta-14.	Single operator rectifier type dc: are welders; current rating 250 A— IS : 4559-1968

(1)	(2)	(3)	(4)	(5)	(6)
60. CM/L-1813 . 16-10-1968	.	16-10-1971	15-10-1972	Shalimar Biscuits Private Ltd., Biscuits— Uppal Industrial Estate, Warangal Road, Uppal, Hyderabad-13.	IS : 1011-1968
61. CM/L-1817 . 15-10-1968	.	1-11-1971	31-10-1972	Bombay Wire Ropes Ltd., "Nirmal", 3rd, Floor, 241, Backbay Reclamation, Nariman Point, Bombay-1.	Steel wire for the core of steel cored aluminium conductors — IS : 398-1961
62. CM/L-1828 . 8-11-1968	.	16-11-1971	15-11-1972	Aurangabad Rolling Mills Co., Additional Industrial Estate, Chikalthana, Aurangabad.	Structural Steel (standard quality) IS : 226-1969
63. CM/L-1829 . 8-11-1968	.	16-11-1971	15-11-1972	Do.	Structural Steel (ordinary quality) IS : 1977-1969
64. CM/L-1837 . 20-11-1968	.	16-11-1971	15-11-1972	The Aluminium Industries Ltd., Ramachandrapuram P.O. Hyderabad-32.	PVC Insulated cables with aluminium conductors of the following description: (a) Single Core (Unsheathed) 250/440 volts; and (b) Single Core (Unsheathed) 650/1100 volts— IS : 694 (Part II)-1964
65. CM/L-1838 . 20-11-1968	.	16-11-1971	15-11-1972	Do.	Thermoplastic insulated weather-proof cables with aluminium conductors of the following type Polyethylene insulated, taped braided and compounded, twin core flat, 650/1100 volts grade— IS : 3035 (Part II)-1965
66. CM/L-1906 . 29-1-1969	.	1-11-1971	30-4-1972	The Agro Industrial Chemicals Co., 13-A Kalyani View, Rudrapur, Distt. (Nainital).	Aldrin dusting powders— IS : 1308-1958
67. CM/L-1933 . 12-3-1969	.	1-11-1971	31-10-1972	The Alkali & Chemical Corporation of India Ltd., P.O. Rishra, Distt. Hooghly.	Ziram Water dispersible powder— IS : 3901-1966
68. CM/L-1987 . 11-6-1969	.	16-10-1971	15-10-1972	Industrial Minerals & Chemical Co., Pvt. Ltd., Kurla-Marol Road, Chakala, Andheri, Bombay-58.	Aldrin DP— IS : 1308-1958
69. CM/L-2024 . 23-7-1969	.	1-11-1971	31-10-1972	The Alkali & Chemical Corporation of India Ltd., P.O. Rishra, Distt. Hooghly.	Thiram seed dressing formulations— IS : 4783-1968
70. CM/L-2025 . 23-7-1969	.	1-11-1971	31-10-1972	Do.	Thiram water dispersible powder— IS : 4766-1968
71. CM/L-2079 . 13-9-1969	.	16-10-1971	15-10-1972	Industrial Minerals & Chemical Co., Pvt. Ltd., Kurla Marol Road, Chakala, Andheri, Bombay 58.	BHC DP— IS : 561-1961
72. CM/L-2080 . 20-9-1969	.	16-10-1971	15-10-1972	Do.	BHC WDP— IS : 562-1962
73. CM/L-2081 . 30-9-1969	.	16-10-1971	15-10-1972	Do.	DDT DP— IS : 564-1961
74. CM/L-2082 . 30-9-1969	.	16-10-1971	15-10-1972	Do.	DDT WDP— IS : 565-1961
75. CM/L-2083 . 30-9-1969	.	16-10-1971	15-10-1972	Do.	BHC EC— IS : 632-1966
76. CM/L-2085 . 30-9-1969	.	16-10-1971	15-10-1972	Do.	Endrin EC— IS : 1310-1958
77. CM/L-2086 . 30-9-1969	.	16-10-1971	15-10-1972	Do.	Malathion EC— IS : 2567-1963
78. CM/L-2087 . 30-9-1969	.	16-10-1971	15-10-1972	Do.	Dieldrin EC— IS : 1054-1962
79. CM/L-2088 . 13-9-1969	.	1-10-1971	30-9-1972	Bata Shoe Co. Pvt. Ltd., 6A, S. N. Banerji Road, Calcutta-13.	Safety under canvas boots— IS : 3976 1967
80. CM/L-2090 . 13-9-1969	.	1-10-1971	30-9-1972	The Industrial Gases Ltd., 146, Andul Road, Howrah 3.	Arc welding transformer single operator type; rating : 225 amps & 340 amps max. continuous hand welding current — IS : 1831 1966
81. CM/L-2092 . 13-9-1969	.	1-10-1971	30-9-1972	The Industrial Development Corp. of Orissa Ltd., Unit Hira Cable Works, P.O. Hirakud, Distt. Sambalpur (Orissa).	Hard drawn stranded aluminium and steel cored aluminium conductors for overhead power transmission purposes— IS : 398-1961

(1)	(2)	(3)	(4)	(5)	(6)
82.	CM/L-2102 . 30-9-1969	.	16-II-1971 15-II-1972	Varuna Engineering Co., Preet Nagar Road, Near Industrial Area, Jullundur City.	Sand cast iron soil pipes up to 150 mm size— IS : 1729-1964
83.	CM/L-2104 . 30-9-1969	.	16-10-1971 15-10-1972	Union Engineering Company, Main Road, Quilon, (Kerala).	Tea-chest metal fittings— IS : 10-1964
84.	CM/L-2107 . 14-10-1969	.	16-10-1971 15-10-1972	Great Indian Plywood Mfg. Co., 49 A, Hari Ghose Street, Calcutta-6.	Tea-chest metal fittings— IS : 10-1964
85.	CM/L-2109 . 16-10-1969	.	16-10-1972 15-7-1972	Khandesh Pesticides Pvt. Ltd., Station Road, Pharangaon, Distt. Jalgaon (W. Rly.)	BHC dusting powders— IS : 561-1962
86.	CM/L-2110 . 16-10-1969	.	16-10-1971 15-10-1972	Ahmedabad Manufacturing & Calico Printing Co. Ltd., Calico Chemicals & Plastics Division, Anik Chembur, Bombay-74 (AS)	Trichloroethylene, technical— IS : 245-1962
87.	CM/L-2111 . 16-10-1969	.	1-II-1971 31-10-1972	South India Aluminium Co., Keri-danchavadi, Mahabali puram Road, Madras-20.	Weighted metal circuit board alloy utensils, C.I.C. SIC— IS : 21-1959
88.	CM/L-2117 . 16-10-1969	.	16-10-1971 15-10-1972	Oriental Suppliers Syndicate, 2, Gurudas Dutta Garden Lane, Ultadanga, Calcutta-4.	Tea-chest metal fittings— IS : 10-1964
89.	CM/L-2118 . 17-10-1969	.	1-II-1971 31-10-1972	The Alkali & Chemical Corporation of India Ltd., P.O. Rishra, Distt. Hoogly.	Zinc, technical— IS : 3900-1966
90.	CM/L-2120 . 23-10-1969	.	1-II-1971 30-4-1972	Crown Timber & Foods Pvt. Ltd., Saharanpur Road, P.O. Yamuna Nagar, (Haryana).	Plywood Tea-chest battens— IS : 10-1964
91.	CM/L-2123 . 27-10-1969	.	1-II-1971 31-10-1972	Swastika Steel & Allied Products, 8/1, Nutan Para Road, Lilsh, Howrah.	Structural steel (ordinary quality)— IS : 1977-1969
92.	CM/L-2125 . 27-10-1969	.	1-II-1971 30-4-1972	East India Industries, [Prop: East India Rubber Works (P) Ltd.,] 212 Sarat Banerjee Road, Panjhati, 24 Parganas.	Structural steel (standard quality)— IS : 226-1969
93.	CM/L-2126 . 27-10-1969	.	1-II-1971 30-4-1972	Do.	Structural steel (ordinary quality)— IS : 1977-1969
94.	CM/L-2129 . 30-10-1969	.	1-II-1971 30-4-1972	S.N. Chemical Industries, B-25, Industrial Estate, Mehrauli Road, Gurgaon (Haryana).	BHC dusting powders— IS : 561-1962
95.	CM/L-2130 . 13-10-1969	.	1-II-1971 31-10-1972	Harlalka M.C. & Co., Industrial Estate, Gauhati-21.	Tea-chest metal fittings— IS : 10-1964
96.	CM/L-2161 . 4-12-1969	.	1-10-1971 30-9-1972	Bharat Pulverising Mills P. Ltd., 1074, Thiruvottiyur High Road, Madras-19.	Methyl parathion EC— IS : 2865-1964
97.	CM/L-2172 . 10-12-1969	.	1-10-1971 30-9-1972	Tata Fison Industries Ltd., 20 Howrah Road, Salkia, Howrah.	BHC emulsifiable concentrates— IS : 632-1966
98.	CM/L-2173 . 10-12-1969	.	1-10-1971 30-9-1972	Do.	DDT EC— IS : 633-1956
99.	CM/L-2230 . 3-2-1970	.	1-10-1971 30-9-1972	Bharat Pulverising Mills P. Ltd., 1074, Thiruvottiyur High Road, Madras-19.	DDT EC— IS : 633-1956
100.	CM/L-2231 . 3-2-1970	.	1-10-1971 30-9-1972	Do.	Aldrin DP— IS : 1308-1959
101.	CM/L-2234 . 9-2-1970	.	1-II-1971 31-10-1972	The Alkali & Chemical Corp. of India Ltd., P. O. Rishra, Distt. Hoogly.	Endrin emulsifiable concentrates— IS : 1310-1958
102.	CM/L-2236 . 9-2-1970	.	1-10-1971 30-9-1972	Bharat Pulverising Mills P. Ltd., 1074, Thiruvottiyur High Road, Madras-19.	FPC EC— IS : 632-1966
103.	CM/L-2237 . 9-2-1970	.	1-10-1971 30-9-1972	Do.	Aldrin EC— IS : 1307-1958
104.	CM/L-2266 . 27-2-1970	.	1-10-1971 30-9-1972	Jayalakshmi Fertilizers, G.N.T. Recd. Madhavaram, Madras-60.	FPC WDP— IS : 562-1962
105.	CM/L-2267 . 27-2-1970	.	1-10-1971 30-9-1972	Do.	Endrin EC— IS : 1310-1958
106.	CM/L-2268 . 27-2-1970	.	1-10-1971 30-9-1972	Bharat Pulverising Mills P. Ltd., 1074, Thiruvottiyur High Road, Madras-19.	Endosulphar EC— IS : 4323-1967
107.	CM/L-2282 . 18-3-1970	.	1-10-1971 30-9-1972	Do.	Malathion EC— IS : 2567-1963

(1)	(2)	(3)	(4)	(5)	(6)
108.	CM/L-2312 . 27-4-1970	.	1-11-1971 31-10-1972	U.K. Paint Industries, G.T. Road. Amritsar.	Putty for use on metalframes —IS : 419-1967
109.	CM/L-2320 . 11-5-1970	.	16-11-1971 15-5-1972	Premier Fertilizers Ltd., Pachuram- kuppam, Cuddalore-3.	BHC dusting powder— IS : 561-1962
110.	CM/L-2325 . 9-5-1970	.	1-10-1971 30-9-1972	Jayalakshmi Fertilizers, G. N. T. Road, Madhavaram, Madras-60.	Malathion EC— IS : 2567-1963
111.	CM/L-2405 . 11-9-1970	.	1-10-1971 30-9-1972	Bharat Pulverising Mills P. Ltd., 1074, Thiruvottiyur High Road, Madras-19.	Wettable sulphur powder— IS : 3383-1965
112.	CM/L-2415 . 28-9-1970	.	16-9-1971 15-9-1972	Premchand Jute Mills, (Lessce : Sonajuli Tea & Industries Ltd.), Chengail, Howrah.	B-twill jute bags— IS : 2566-1965
113.	CM/L-2420 . 6-10-1970	.	16-10-1971 15-10-1972	Chaliha Rolling Mills Pvt. Ltd.. 13, Chanditala Lane, 55, Netaji- Subhas Chandra Bose Road, Tolly- gunge, Calcutta-40	Galvanized stay strand— IS : 2141-1968
114.	CM/L-2421 . 16-10-1970	.	16-10-1971 30-9-1972	Multiplex Agro Industries Pvt. Ltd., Plot No. 184/11 and 184/12, Naroda Industrial Estate, Naroda, Ahmeda- bad-2.	Endrin emulsifiable concentrates— IS : 1310-1958
115.	CM/L-2426 . 16-10-1970	.	16-10-1971 15-4-1972	Bharat Pulverising Mills Pvt. Ltd., Chinchpokli Cross Lane, Bombay- 27.	DDT water dispersible powder concentrates— IS : 565-1961
116.	CM/L-2429 . 16-10-1970	.	16-10-1971 30-9-1972	Bharat Pulverising Mills Pvt. Ltd., 1074, Thiruvottiyur High Road, Madras-19.	Fenitrothion emulsifiable con- centrals IS : 5281-1969
117.	CM/L-2433 . 21-10-1970	.	16-10-1971 15-10-1972	AGEW Steel Manufacturers P. Ltd., Ambica Oil Mills Compound, Out- side, Gomtipur Gate, Ahmedabad- 21.	Steel windows and ventilators— IS : 1038-1968
118.	CM/L-2434 . 22-10-1970	.	1-11-1971 30-4-1972	Wavin India Ltd., Plots 65 & 66, Ambattur Industrial Estate, Madras-58	Unplasticized PVC pipes for port- able water supplies of sizes upto and including 160 mm— IS : 4985-1968
119.	CM/L-2436 . 27-10-1970	.	1-11-1971 15-11-1972	The National Insulated Cable Co. of India Ltd., 'Nicco House' Hare Street, Calcutta.	Flexible cables for miner's cap lamps— IS : 2593-1964
120.	CM/L-2438 . 30-10-1970	.	1-11-1971 31-10-1972	The Alkali & Chemical Corporation of India Ltd., P.O. Rishra, Distt. Hoogly.	Thiram, technical— IS : 4320-1967
121.	CM/L-2442 . 30-10-1970	.	1-11-1971 31-10-1972	Vensons Agro Chemicals & Allied Industries Pvt. Ltd., Private Indus- trial Estate, Coimbatore.	BHC dusting powder— IS : 561-1962
122.	CM/L-2444 . 30-10-1970	.	1-11-1971 31-10-1972	Associated Industries, 8B. Chella Road, Calcutta-27.	Tea-chest metal fittings— IS : 10-1964
123.	CM/L-2448 . 4-II-1970	.	1-11-1971 31-10-1972	Electrical Cables & Conductors Pvt. Ltd., Binoy Bhavan, 8th Floor, 27B, Camac Street, Calcutta-16.	All aluminium conductors and ACSR conductors— IS : 398-1961
124.	CM/L-2454 . 11-II-1970	.	1-11-1971 31-10-1972	J. J. Lookmanji Copperware Factory, (Prop. M/s. M. Faizullabhoy & Co.) Jaffarbhoy Industrial Estate, 111-H, Kurla Andheri Road, Marol Naka, Bombay-58.	Wrought aluminium utensils Grade SIC— IS : 21-1959
125.	CM/L-2457 . 30-II-1970	.	16-11-1971 15-11-1972	Western Rolling Mills Pvt. Ltd., Lal Bahadur Shastri Marg, Bhandup, Bombay-78.	Structural steel (standard quality) —IS : 226-1969
126.	CM/L-2458 . 30-II-1970	.	16-11-1971 15-11-1972	Western Rolling Mills Pvt. Ltd., Lal Bahadur Shastri Marg, Bhan- dup, Bombay-78.	Structural steel (ordinary quality) —IS : 1977-1969

नई दिल्ली, 5 जुलाई, 1972

एम० ओ० 2770.—समय समय पर संशोधित भारतीय मानक संस्था (प्रमाणन चिह्न) विनियम 1955, के विनियम 8 के उपविनियम (1) के अनुसार भारतीय मानक संस्था की ओर से अधिकूचित किया जाता है कि नीचे आनुमूली में विवरण महिने दिन गण एक सौ छब्बीस लाखमेंसों का नवीकरण माझ नवम्बर, 1971 में किया गया है या।

आनुमूली

क्रम संख्या	लाइसेंस संख्या और तिथि	वैधता की से तक	अवधि	नाइमेंशन्डारी का नाम और पता	नाइमेंशन्ड के अधीन वस्तु/प्रक्रिया और तत्सम्बन्धी पदनाम
1	2	3	4	5	6
1	सी एम/एल-20 24-10-1956	16-10-1971	15-10-1972	दिग्बिजय सीमेंट कं० लि०, सिक्का, सौराष्ट्र	माधारण, शीघ्र कठोरकारी श्रीर अल्पताप पोर्टलैड सीमेंट— IS: 269-1967
2	सी एम / एल-104 15-10-1958	1-11-1971	31-10-1972	ई०आई०डी० पैरी न्हि०, नेल्ली- कुप्पम, (जिला दक्षिण आकाट) लि०	परिषोधित स्पिरिट, प्रेड 1- IS: 323-1959
3	सी एम / एल-141 24-9-1959	1-10-1971	30-9-1972	टाटा फायरन इंडस्ट्रीज लि०, 20 हावड़ा रोड, सल्किया, कलकत्ता ।	डी डी टी घूलन पाउडर— IS: 564-1961
4	सी एम / एल--142 24-9-1959	1-10-1971	30-9-1972	"	बी एच पो घूलन पाउडर— IS: 561-1962
5	सी एम / एल--168 22-2-1960	1-10-1971	30-9-1972	"	बी एच सी जल विसर्जनीय पाउडर— IS: 562-1961
6	सी एम / एल--188 27-4-1960	16-11-1971	15-11-1972	भारत स्टार्च एग्ज केमिकल्स लि०, (क) मक्के का खाद्य स्टार्च डाकघर यमुना नगर, रेलवे स्टेशन जगाधरी, जिला ग्रामाला	(मक्के का आटा) - IS: 1005-1969 (ख) कपड़ा उद्दोग के लिए मक्के का स्टार्च— IS: 1184-1968
7	सी एम / एल--199 15-6-1960	1-10-1971	30-9-1972	भारत पुल्वराइंजिंग मिल्स प्रा० लि०, 589, निर्वातियूर हाई रोड, मद्रास-19	बी एच सी जल विसर्जनीय तेज चूर्ण — IS: 562-1962
8	सी एम / एल--200 15-6-1960	1-10-1971	30-9-1972	"	डी डी टी घूलन पाउडर— IS: 564-1961
9	सी एम / एल--201 15-6-1960	1-10-1971	30-9-1972	"	डी डी टी जल विसर्जनीय तेज चूर्ण — IS: 565-1961
10	सी एम / एल--202 15-6-1960	1-10-1971	30-9-1972	"	बी एच सी घूलन पाउडर— IS: 561-1962
11	सी एम / एल-217 31-8-1960	1-10-1971	30-9-1972	टाटा फायरन इंडस्ट्रीज, 20 हावड़ा रोड, सल्किया, कलकत्ता ।	डी डी टी जल विसर्जनीय तेज चूर्ण — IS: 565-1961

1	2	3	4	5	6
12	सी एम / पंल--317 26-6-1961	1-11-1971	31-10-1972	केबल कारपोरेशन आफ इंडिया लि०, लक्ष्मी बिल्डिंग 6 बेलाई रोड, बेलाई इस्टेट, फोर्ट, बम्बई-1	कागज रोधित सीसे के खोल- दार एन्ट्रिमिनियम चालकों बाले केबल, 33 कि० वा० तक की विजली सप्लाई के लिए— IS: 692-1965
13	सी एम / पंल--339 1-9-1961	1-11-1971	31-10-1972	विजली के मोटरों का उत्पादन- केन्द्र (ओद्योगिक विकास मंत्रा- लय, भारत सरकार) (ओद्योगिक विकास विभाग) तिरुवल्ला-5 (केरल)	तीन फेजी प्रेरण मोटर 7.5 कि० वा० (10 हा० पा०) श्रेणी 'ए' रोधन बाले — IS: 325-1961
14	सी एम / पंल--344 20-9-1961	16-10-1971	15-10-1972	गोदरेज सोप्स प्रा० लि०, ईम्टन एक्सप्रेस हाईवे विवरोली, बम्बई-79	(1) स्थिररिक अम्ल, तकनीकी, प्रेड 3— IS: 1675-1960 (2) ओलिक अम्ल, तक- नीकी, प्रेड 3— IS: 1676-1960
15	सी एम / पंल--349 20-10-1961	1-11-1971	31-10-1972	केबल कारपोरेशन आफ इंडिया लि०, लक्ष्मी बिल्डिंग, 6 बेलाई रोड, बेलाई इस्टेट, फोर्ट, बम्बई-1	पी बी सी रोधित (भारी ड्यूटी) विजली के केबल, 1100 बोल्ट प्रौढ़ उतने तक कार्यकारी बोल्टता के लिए — IS: 1554 (भाग 1)— 1964
16	सी एम / पंल--367 15-12-1961	1-10-1971	30-9-1972	भारत पुल्वराइजिंग मिल्स प्रा० लि०, 589, तिर्हुतीत्यूर हाई द्रव- रोड, मद्रास-19	एण्ड्रून का पायसनीय तेज IS: 1310-1958
17	सी एम / पंल--452 3-9-1962	1-11-1971	30-4-1972	नार्देन मिनिरल्स प्रा० लि०, गुडगांव (हरयाणा)	बी एच सी घूलन पाउडर— IS: 561-1962
18	सी एम / पंल--460 28-9-1962	26-11-1971	15-11-1972	जियो इंडस्ट्रीज एण्ड इंसेक्टीमाइड्स बी एच सी घूलन पाउडर— (इंडिया) प्रा० लि०, फील्ड स० 82/3 (ए), सातनकाड़, कलाडीगेट, मद्रास-19	IS: 561-1962
19	सी एम / पंल--461 28-9-1962	16-11-1971	15-11-1972	"	एण्ड्रून का पायसनीय तेज द्रव— IS: 1310-1958
20	सी एम / पंल--501 1-2-1963	1-2-1971	30-9-1972	टाटा कायशन इंडस्ट्रीज लि०, 20, हावड़ा रोड, मन्दिया, कलकत्ता	एण्ड्रून का पायसनीय तेज द्रव— IS: 1310-1958
21	सी एम / पंल--539 30-5-1963	1-10-1971	30-9-1972	"	सी ओ सी जन विसर्जनीय चूर्ण— IS: 1507-1966

1	2	3	4	5	6
22	सी एम / एल—561 11-7-1963	1-8-1971	31-7-1972	लायड बिट्यूमेन प्रॉडक्ट्स (प्रा०) लि०, 1, नागनोला रोड, कलकत्ता-53	जलगह और नमीसह बनाने के लिए बिट्यूमेन के नमदे, टाइप 3, ग्रेड 1 और 2; और टाइप 2, ग्रेड 2— IS: 1322-1965
23	सी एम / एल—576 30-8-1963	1-10-1971	31-3-1973	हिन्दुस्तान स्टील लि०, दुर्गापुर स्टील प्लांट, दुर्गापुर-3 (प० बंगाल)	संरचना इस्पात (गलन ब्रेलिंग किम्म) — IS: 2062-1969
24	सी एम / एल—577 11-9-1963	1-10-1971	30-9-1972	भारत पुल्कराइंडिंग मिल्स प्रा० लि०, 1074, निमबोनियूर हाई रोड, मद्रास-19	प्रैग्याधियोत पायमनीय तेज द्वा०— IS: 2129-1962
25	सी एम / एल—607 11-12-1963	1-11-1971	31-10-1972	विजली के मोटरों का उत्पादन-केन्द्र, एक फैजी कैमेसिटर स्टार्टरमि (औद्योगिक विकास मंत्रालय, भारत मण्डार), तिरुवन्नामा-5 (केरल)	छोटे ए सी और युनिवर्सल विजली के मोटर 0.18 कि० वा० (0.25 हा० पा०) से 0.75 कि० वा० (1 हा० पा०), श्रेणी 'ए' इंसुलेशन बाले— IS: 996-1964
26	सी एम / एल—614 31-12-1963	1-8-1971	31-7-1972	लायड बिट्यूमेन प्रॉडक्ट्स (प्रा०) लि०, 1, तारातोला रोड, कलकत्ता।	कंकीट में प्रमार जोड़ों के लिए पूर्वनिर्मित फिलर, गैर कढ़वां और लच्छीने प्रकार के (बिट्यूमेन सना फाइबर) — IS: 1838-1961
27	सी एम / एच—701 26-6-1964	16-10-1971	15-10-1972	गोदरेज सोप्य प्रा० लि०, व्हिस्टर्न एक्सप्रेस हाईवे, विखरौली; बम्बई-79	स्टियरिक अम्ल, तकनीकी, ग्रेड 2— IS: 1675-1960
28	सी एम / एल—782 17-9-1964	16-10-1971	15-10-1972	हिन्दुस्तान वायर्स लि०, बी०टी० रोड, डाकघर सुकचार, जिला 24-परगना	पूर्व प्रवनित कंकीट के लिए सादे सख्त विच्छेद इस्पात के तार — IS: 1785 (भाग 1)—1966
29	सी एम / एल—789 25-9-1964	16-10-1971	15-10-1972	प्राइमा ब्रूशबेयर, 30, सूर्य सेन स्ट्रीट, कलकत्ता-9	रंग रोगन और वानिश के लिए चपटे बुरुण, 100 मिमी साइज के— IS 384-1964
30	सी एम / एल—791 30-9-1964	16-10-1971	15-10-1972	एल्युमिनियम कार्पोरेशन आफ इंडिया लि०, 7, कौमिल हाउस स्ट्रीट, कलकत्ता-1	शिरोपरि पावर प्रैपर कार्पोरे के लिए सख्त विच्छेद द्वारा एल्युमिनियम और इस्पात की कोर बाले एल्युमिनियम चानक— IS 398-1961

1	2	3	4	5	6
31	सी एम / पंत—792 30—9—1964	16—10—1971 31—3—1965	15—10—1972	हिन्दुस्तान वायर्स लि०, बी० टी० रोड, डाकघर मुकनार, जिला 24—परगना (प० ब्रंगाल)	शिरोभणि पावर प्रेषण कार्यों के लिए एल्युमि नियम और इस्पात को कोर आले एल्युमिनियम चालकों को कोर के लिए इस्पात का तार— IS 398—1961
32	सी एम / पंत—1050 31—3—1965	16—10—1971 31—3—1965	15—10—1972	कम्पीग मिरैमिक प्रोडक्ट्स (प्रा०) लि०, स्वामी बिबेकानन्द रोड, पीरा गांव, प०० ब०० स०० 7708, वोरीछी, अम्बई—92	लवण कांताम स्टोनब्रेयर के पाठा और फिटिंग, 100 मिमी, 150 मिमी, 200 मिमी और 300 मिमी व्यास वाले— IS 651—1965
33	सी एम / पंत—1110 8—7—1965	16—11—1971 30—9—1965	15—11—1972	दि एल्युमिनियम इंडस्ट्रीज लि०, पोलीथीन रोधित और पीरामचन्द्रपुरम् डाकघर, हैदराबाद—32	वी सी खोल वाले केबल, हक्कहे कोर के एल्युमिनियम चालकों वाले— : 1596—1962
34	गी एम / पंत—1138 8—9—1965	1—10—1971 30—9—1972	शिव दुर्गा आयरन वर्क्स (प्रा०) लि०, 156/1 और/172/11, मधुसूदन पालचौधुरी लेन, हावड़ा।	(क) जलकल विभाग के लिए स्तूप वाल्व (भीनरी चूड़ी वाले, न उठने वाले तकुवानुमा) श्रेणी 1 और 2, 50 से 300 मिमी साइज के— IS : 780—1969, और (ख) जलकल कार्यों के लिए स्तूप वाल्व, श्रेणी 1 और 2, 350 मिमी से 900 मिमी साइज और 1200 मिमी साइज— IS: 2906—1969	
35	सी एम / पंत—1144 14—9—1965	16—10—1971 15—10—1972	आटो मिन्स (इंडिया) नजि०, प्लाट नं० 16, इंडस्ट्रियल एरिया, कमानी की पनियां— फरीदाबाद (हरयाणा)	पत्तीदार कमानियां और पत्तीदार कमानियां और IS : 1135—1966	
36	सी एम / पंत—1146 17—9—1965	16—10—1971 15—10—1972	निलुवा स्टील पाण्ड वायर कम्पनी लि०, 15/2, बेलूर रोड, निलुवा, कर्नाटक (किम्ब)	संरचना इस्पात (मानक इस्पात के गोले 25 मिमी (1 इंच) व्यास के तथा उतने ही थोरफल वाले अन्य सेक्शन]— IS: 226—1969	

1	2	3	4	5	6
37	सी एम/एल-1147 17-9-1965	16-10-1971	15-10-1972	"	मंचना इस्पात (माधारण किस्म) [परीक्षित इस्पात के गोले 25 मिमी (1 इंच) व्यास के तथा उतने ही क्षेत्रफल वाले अन्य सेक्शन]— IS: 1977-1969
38	सी एम / एल-1169 3-12-1965	16-12-1971	30-6-1972	सेंट्रल हैमेक्ट्रीसाइड्स एण्ड फर्म- लाइंजर्स, 110, हैंडस्ट्रिप्यल इंडेट, हैंडेर (मध्य प्रदेश)	डी डी टी जल विसर्जनीय तेज़ चूर्ण— IS: 565-1961
39	सी एम / एल-1317 29-8-1966	16-10-1971	15-10-1972	हिन्दुस्तान बायर लि०, बी०टी०, रोड, डाकघर सुकचार, जिला 24-परगाना (प० बंगाल)	विना जस्ता चड़े केबलों पर कबच देने का पृष्ठ इस्पात का टेंप— IS: 434 (भाग 1 और 2)-1964; और IS: 3975-1967
40	सी एम / एल-1488 10-8-1967	1-11-1971	31-10-1972	अमम बंगाल वेनियर इंडस्ट्रीज प्रा० लि०, 32, कैनाल दक्षिण रोड, कलकत्ता -15	चाय की पेटियों के लिए धातु के फिटिंग— IS: 10-1964
41	सी एम / एल-1525 15-9-1967	1-10-1971	30-9-1972	भारत पुल्वराइंज मिल्स प्रा० लि०, 1074, तिहरोत्तियूर हाई रोड, मद्रास-19	कापर आक्सीक्लोरोइड जल विसर्जनीय चूर्ण— IS: 1507-1966
42	सी एम / एल-1531 26-9-1967	1-10-1971	30-9-1972	ब्रेगत संचारण कं० (टो नेट) लि०, 34, बी०टी०रोड, कांसी- पुर, कलकत्ता-2	चाय की पेटियों के लिए धातु के फिटिंग— IS: 10-1964
43	सी एम / एल-1553 25-10-1967	1-11-1971	31-10-1972	देवीश्वराल रोलिंग एण्ड रिफाइन- रीज, प्रा० लि०, पोखरन रोड, थाना, बम्बई	मंचना इस्पात (मानक किस्म) — IS: 226-1969
44	सी एम / एल-1554 25-10-1967	1-11-1971	31-10-1972	"	मंचना इस्पात (माधारण किस्म) — IS: 1977-1969
45	सी एम / एल-1556 7-11-1967	16-11-1971	15-11-1972	महगत मेनीटरी फिटिंग (प्रा०) लि०, गांव चुइरवली, डाक- घर आदमपुर, जलंधर (पंजाब)	पानी की मप्लाई के लिए पेच द्वारा खुलने और बंद होने वाली पीतल की बालू ही टॉटियाँ, 15 मिमी माइग— IS: 781-1967
46	सी एम / एल-1576 29-11-1967	1-12-1971	30-11-1972	मुदर्सन टिस्वर मैटिंग कं०, सहारनपुर रोड, डाकघर— यमुनानगर, जिला अस्थाला (हरयाणा)	चाय की पेटियों के लिए प्लाइवुड की पट्टियाँ— IS: 10-1964
47	सी एम / एल-1666 1-4-1968	1-10-1971	31-3-1972	युनाइटेड पुल्वराइंज, बोडला, आगरा-7	बी एच सी धूलन पाउडर— IS: 561-1962

1	2	3	4	5	6
48	सी एम / एल-1674 10-4-1968	16-10-1971	15-10-1972	इंडोफिल्स केमिकल्स लि०, दफतर: जिनेव्र जन विसर्जनीय अक्वार कैम्प रोड, कोलशेड रोड, थाना	पाउडर- IS: 3899-1966
49	सी एम / एल-1698 16-5-1968	16-11-1971	15-11-1972	गोन्डन स्टील कारपोरेशन प्रा०, मंरचना इस्पात (मानक लि०, 64, जी०टी० रोड, निलुवा, हावड़ा	किस्म)- IS: 226-1969
50	सी एम / एल-1699 16-5-1968	16-11-1971	15-11-1972	"	मंरचना इस्पात (साधारण किस्म)- IS: 1977-1969
51	सी एम / एल-1704 21-5-1968	1-11-1971	31-10-1972	केमिकल्स एण्ड इंसेक्टोमाइड्स, राम- बी एच सी धूलन पाउडर नगर, करंजा रेलवे स्टेशन, कुमुझी, उ० पू० रेलवे, गोरखपुर (उ० प्र०)	पाउडर- IS: 561-1962
52	सी एम / एल-1707 31-5-1968	16-11-1971	15-11-1972	दि एल्युमिनियम इंडस्ट्रीज लि०, रामनन्दपुरम, हैवराबाद - 32	शिरोपरि पावर प्रेषण कार्यों के लिए सक्त खिचे लड़दार एल्युमिनियम के चालक- IS: 398-1961
53	सी एम / एल-1730 28-6-1968	11-11-1971	31-10-1972	बम्बई वायर रोप्स लि०, कोतशेत (क) खानों में लिपटाई के रोड, थाना	लिए इस्पात के तार के रस्से - IS: 1855-1961
				(ख) खानों में ढुलाई के लिए इस्पात के तार के रस्से-	
54	सी एम / एल-1784 10-9-1968	16-9-1971	15-9-1972	चालिहा रॉलिंग मिल्स(प्रा०)लि०, बाड़ लगाने के लिए 13, चैडीतला लेन, टौलीगंज, जस्ता चड़े इस्पात के कलकत्ता-40 काटेदार तार -	IS: 1856-1961
					IS: 278-1969
55	सी एम / एल-1791 16-9-1968	16-10-1971	15-10-1972	सूर आयरन एण्ड स्टील कंप्रा० लि०, हाथ से बैलिंग की 300 15, कान्वेंट रोड, कलकत्ता-14 अस्पीयर तक की अधिक- तम सतत धारा वाले डी सी बिजली के बैलिंग जेनरेटर-	IS: 2635-1966
56	सी एम / एल-1802 4-10-1968	1-11-1971	31-10-1972	बम्बई वायर रोप्स लि०, कोलशेत रोड, थाना (महाराष्ट्र)	सामान्य इंजीनियरी कार्यों के लिए इस्पात के तार के रस्से - IS: 2266-1963
57	सी एम / एल-1808 14-10-1968	16-10-1971	15-10-1972	दि मिनरल माइटिंग कं० प्रा०लि०, बी एच सी धूलन पाउडर - डाकघर, गयनचेवा, टाडेपत्रि तालुक, अनन्तपुर जिला (आन्ध्र प्रदेश)	पाउडर - IS: 561-1962

1	2	3	4	5	6
58	सी एम / एल-1811 14-10-1968	16-10-1971	15-10-1972	ऐलियन प्लाइवुड, (मानिक भारत ओवरसीज प्रा० लि०), काली- पुर, बज बज, 24-परगाना (प० पंगाल)	लकड़ी के समतल कपाट (ठोस मध्य भाग वाले)- ऊपर प्लाइवुड लगे- IS:2202 (भाग1) - 1966
59	सी एम / एल-1812 14-10-1968	16-10-1971	15-10-1972	सूर आयरन एण्ड स्टील कं० (प्रा०) लि०, 15, कान्वेंट रोड, कलकत्ता-14	एक आपरेटर वाले रेकटी- फायरनुमा डी सी आर्क बैचर- धारा रेटिंग: 250 अम्पी- IS: 4559-1968
60	सी एम / एल-1813 16-10-1968	16-10-1971	15-10-1972	शालीमार विस्कुट प्रा० लि०, उपल इंडस्ट्रियल इस्टेट, बारंगल रोड, उपल, हैदराबाद-13	बिस्कुट- IS:1011-1968
61	सी एम / एल-1817 15-10-1968	1-11-1971	31-10-1972	बम्बई वायर रोप्स नि०, "निर्मल" तीमरी मंजिल, 241, बैंकवे रिक्लोमेशन, नरीमैन प्लाइंट, बम्बई-1	इस्पात की कोर वाले एल्यु- मिनियम चालकों के इस्पात के तार - IS:398-1961
62	सी एम / एल-1828 8-11-1968	16-11-1971	15-11-1972	औरंगाबाद रोलिंग मिल्स कं०, ऐजीशनल इंडस्ट्रियल इस्टेट, चिकलथाना, औरंगाबाद	संरचना इस्पात (मानक किस्म)- IS: 226-1969
63	सी एम / एल-1829 8-11-1968	16-11-1971	15-11-1972	"	संरचना इस्पात (साधारण किस्म)- IS: 1977-1969
64	सी एम / एल-1837 20-11-1968	16-11-1971	15-11-1972	दि एल्युमिनियम इंडस्ट्रीज लि०; रामचन्द्रपुरम डाकघर, हैदराबाद-32	निम्नलिखित विवरण वाले एल्युमिनियम चालकों वाले पी वी सी रोधित केबल: (क) इकहरे कोर (बिना खोल वाले) 250/440 बोल्ट; और (ख) इकहरे कोर (बिना खोल वाले) 650/1100 बोल्ट- IS:694(भाग2)-1964
65	सी एम / एल-1838 20-11-1968	16-11-1971	15-11-1972	"	निम्नलिखित प्रकार के एल्यु- मिनियम चालकों वाले तापस्थापी रोधित अद्यु- सह केबल : पोलीहथाइ- लीन रोधित, टेप लगे, ब्रेड और सहमिलित दोहरी कोर वाले चपटे, 650/1100 बोल्ट ग्रेड- IS: 3635(भाग2)- 1965

1	2	3	4	5	6
66	सी एम / एल-1906 29-1-1969	1-11-1971	30-4-1972	दि एंग्रो इंडस्ट्रियल केमिकल्स कं०, एल्ड्रिन धूलन पाउडर - 13-ए, कल्याणी विधु, सदपुर, जिला (नैनीताल)	IS:1308-1958
67	सी एम / एल-1933 12-3-1969	1-11-1971	31-10-1972	दि एल्कली एण्ड केमिकल कार- पोरेशन आफ इंडिया लि०, आकधर रिघरा, जिला हुगली	जिराम का जल विसर्जनीय पाउडर- IS:3901-1966
68	सी एम / एल-1987 11-6-1969	16-10-1971	15-10-1972	इंडस्ट्रियल मिनरल्स एण्ड केमिकल प्रा० लि०, कुरला मरोल रोड, चकला, अंधेरी, बम्बई-58	ऐल्ड्रिन धूलन पाउडर - IS: 1308-1958
69	सी एम / एल-2024 23-7-1969	1-11-1971	31-10-1972	दि एल्कली एण्ड केमिकल कारपो- रेशन आफ इंडिया लि०, डाक- घर रिघरा, जिला हुगली	बीजों पर लगाने की धिराम में दनी दवा- IS:4783-1968
70	सी एम / एल-2025 23-7-1969	1-11-1971	31-10-1972	„	धिराम का जल विसर्जनीय पाउडर - IS:4766-1968
71	सी एम / एल-2079 13-9-1969	16-10-1971	15-10-1972	इंडस्ट्रियल मिनरल्स एण्ड केमिकल कं० प्रा० लि०, कुरला-मरोल रोड, चकला, अंधेरी, बम्बई-58	बी एच सी धूलन पाउडर - IS:561-1961
72	सी एम / एल-2080 20-9-1969	16-10-1971	15-10-1972	„	बी एच सी जल विसर्जनीय पाउडर- IS:562-1962
73	सी एम / एल-2081 30-9-1969	16-10-1971	15-10-1972	„	डी डी टी धूलन पाउडर - IS: 564-1961
74	सी एम / एल-2082 30-9-1969	16-10-1971	15-10-1972	इंडस्ट्रियल मिनरल्स एण्ड केमिकल क० प्रा० लि०, कुरला-मरोल रोड, चकला, अंधेरी, बम्बई-58	डी डी टी जल विसर्जनीय पाउडर — IS : 565-1961
75	सी एम / एल-2083 30-9-1969	16-10-1971	15-10-1972	„	बी एच सी पायसनीय तेज द्रव- IS :632-1966
76	सी एम / एल-2085 30-9-1969	16-10-1971	15-10-1972	„	एण्ड्रिन का पायसनीय तेज द्रव- IS 1310-1958
77	सी एम / एल-2086 30-9-1969	16-10-1971	15-10-1972	„	मालाथियोन पायसनीय तेज द्रव- IS :2567-1963
78	सी एम / एल-2087 30-9-1969	16-10-1971	15-10-1972	„	आइएल्ड्रिन पायसनीय तेज द्रव- IS 1054-1962

1	2	3	4	5	6
79.	सी एम / एल-2088 13-9-1969	1-10-1971	30-9-1972	बाटा शू क० प्रा० लि०, 6-ए, एस, रबड़-कैनवास के बचाव बूट-एन० बनर्जी रोड, कलकत्ता-13	IS : 3976-1967
80.	सी एम / एल-2090 13-9-1969	1-10-1971	30-9-1972	दि इंडियल गेसेस लि०, 146, एक आपरेटर वाले आर्क अंडूल रोड, हावड़ा-3	वेलिंग के ट्रांसफार्मर : रेटिंग 225 अम्पी और हाथ वेलिंग की अधिकतम धारा रेटिंग 340 अम्पी- IS : 1851-1968
81.	सी एम / एल-2092 13-9-1969	1-10-1971	30-9-1972	दि इंडियल डिवेलपमेंट कारपो-रेशन आफ उड़ीसा लि०, यूनिट हीरा केबल वर्क्स डाक-घर हीराकुड़, जिला सम्बलपुर (उड़ीसा)	गिरोपरि पावरप्रेषण कार्यों के लिए सख्त खिचे लड़दार इस्पात और एल्यु-मिनियम की कोर वाले एल्युमिनियम चालक- IS : 398-1961
82.	सी एम / एल-2102 30-9-1969	16-11-1971	15-11-1972	वरुण इंजीनियरिंग क०, प्रीतनगर रोड, निकट इंडियल एरिया, बालू ढले लोहे के मल पाइप-जलधार सिटी	150 मिमी साइज तक के बालू ढले लोहे के मल पाइप- IS : 1729-1964
83.	सी एम / एल-2104 30-9-1969	16-10-1971	15-10-1972	यूनियम इंजीनियरिंग क०, मेनरोड, चाय की पेटियों के लिए धातु किष्क्लोन (केरल)	के फिटिंग - IS : 10-1964
84.	सी एम / एल-2107 14-10-1969	16-10-1971	15-10-1972	प्रेट इंडियन प्लाइबुड मैन्युफैक्चरिंग चाय की पेटियों के लिए धातु क०, 49 ए, हरी घोष स्ट्रीट, के फिटिंग- कलकत्ता-6	IS : 10-1964
85.	सी एम / एल-2109 16-10-1969	16-10-1971	15-7-1972	खानदेश पेस्टीसाइड्स प्रा० लि०, बी एच सी धूलन पाउडर - स्टेशन रोड, फरसेंगाव, जिला जलगांव (प० रेलवे)	IS : 561-1962
86.	सी एम / एल-2110 16-10-1969	16-10-1971	15-10-1972	अहमदाबाद मैन्युफैक्चरिंग एण्ड, द्राइक्लोरोइथ/इंलीन, तकनी-केलिको प्रिंटिंग क० लि०, की- केलिको केमिकल्स एण्ड प्ला-स्टिक डिवीजन, अनिक, चेन्नै, वर्म्बूर, चेन्नई-74 (ए एस)	द्राइक्लोरोइथ/इंलीन, तकनी- केलिको प्रिंटिंग क० लि०, की- केलिको केमिकल्स एण्ड प्ला-स्टिक डिवीजन, अनिक, IS : 245-1962 चेन्नै, वर्म्बूर, चेन्नई-74 (ए एस)
87.	सी एम / एल-2111 16-10-1969	1-11-1971	31-10-1972	साउथ इंडिया एल्युमिनियम क०, पिटवां एल्युमिनियम और कंडैचवाडी, महाबलीपुरम रोड, एल्युमिनियम मिश्रधातु मद्रास-20	मिश्रधातु के बर्नि, प्रेट एस आई-सी- IS : 21-1959
88.	सी एम / एल-2117 16-10-1969	16-10-1971	15-10-1972	ओरिंटल सप्लायर्स सिडीकेट, 2, गुश्वास दत्ता गाँड़न लेन, उल्टाडांगा, कलकत्ता-4]	चाय की पेटियों के लिए धातु के फिटिंग- IS : 10-1964]
89.	सी एम / एल-2118 17-10-1969	1-11-1971	31-10-1972	दि ऐल्कली एण्ड केमिकल कारपो-जिराम, तकनीकी - रेशन आफ इंडिया लि०, डाक-घर रिपरा, जिला हुगली	IS : 3900-1966

1	2	3	4	5	6
90.	सी एम / एल-2120 23-10-1969	1-11-1971	30-4-1972	काउन टिम्बर एण्ड फूड्स प्रा० लि०, सहारनपुर रोड, डाकघर यमुना नगर, (हरयाणा)	चाय की पेटियों के लिए प्लाइवुड की पट्टियाँ - IS : 10-1964
91.	सी एम / एल-2123 27-10-1969	1-11-1971	31-10-1972	स्वास्तिक स्टील एण्ड एलाइंड प्रोडक्ट्स, 8/1, नूतन पाड़ा रोड, निलुवा, हावड़ा	संरचना इस्पात (साधारण) (किसम)- IS : 1977-1969
92.	सी एम / एल-2125 27-10-1969	1-11-1971	30-4-1972	ईस्ट इंडिया इंडस्ट्रीज, [मालिक : संरचना इस्पात (मानक ईस्ट इंडिया रबड़ वर्क्स(प्रा०) लि०] 212 शारद बनर्जी रोड, IS : 226-1969 पानीहटी, 24 परगना	(मानक किसम)- पानीहटी, 24 परगना
93.	सी एम / एल-2126 27-10-1969	1-11-1971	30-4-1972	"	संरचना इस्पात (साधारण किसम) IS : 1977-1969
94.	सी एम / एल-2129 30-10-1969	1-11-1971	30-4-1972	एस० एन० केमिकल इंडस्ट्रीज, बी-25, इंडस्ट्रियल इस्टेट, IS : 561-1962 महरोली रोड, गुडगांव (हरयाणा)	बी एच सी धूलन पाउडर- महरोली रोड, गुडगांव (हरयाणा)
95.	सी एम / एल-2130 13-10-1969	1-11-1971	31-10-1972	हरलाललका एम० सी० एण्ड क०, इंडस्ट्रियल इस्टेट, गौहटी-21	चाय की पेटियों के लिए ब्रानु के फिटिंग - IS : 10-1964
96.	सी एम / एल-2161 4-12-1969	1-10-1971	30-9-1972	भारत पुल्वराइंजिंग मिल्स प्रा० लि०, 1074, तिरुवोलि- यूर हाई रोड, मद्रास-19	मिथाइल पेराथियोन पायरा- नीय तेज द्रव- IS : 2865-1964]
97.	सी एम / एल-2172 10-12-1969	1-10-1971	30-9-1972	टाटा फायशन इंडस्ट्रीज लि०, 20, हावड़ा रोड सलिक्या, हावड़ा	बी एच सी पायसनीय तेज द्रव- IS : 632-1966
98.	सी एम / एल-2173 10-12-1969,	1-10-1971	30-9-1972	टाटा फायशन इंडस्ट्रीज लि०, 20 हावड़ा रोड, सलिक्या, हावड़ा	डी डी टी पायसनीय तेज द्रव-- IS 633-1956
99.	सी एम / एल-2230 3-2-1970	1-10-1971	30-9-1972	भारत पुल्वराइंजिंग मिल्स प्रा०, लि०, 1074, तिरुवोल्तियूर हाई रोड, मद्रास-19	डी डी टी पायसनीय तेज द्रव- IS : 633-1956
100.	सी एम / एल-2231 3-2-1970	1-10-1971	30-9-1972	"	एल्ड्रिन धूलन पाउडर- IS : 1308-1959
101.	सी एम / एल-2234 9-2-1970	1-11-1971	31-10-1972	वि ऐल्कली एण्ड केमिकल कारपो० रेशन आफ इंडिया लि०, डाकघर, रिखरा, जिला हुगली	एप्लिन का पायसनीय तेज द्रव- IS : 1310-1958
102.	सी एम / एल-2236 9-2-1970	1-10-1971	30-9-1972	भारत पुल्वराइंजिंग मिल्स प्रा० लि०, 1074, तिरुकोत्तियूर हाई रोड, मद्रास-19	बी एच सी पायसनीय तेज द्रव- IS : 632-1966
103.	सी एम / एल-2237 9-2-1970	1-10-1971	30-9-1972	"	एल्ड्रिन पायसनीय तेज द्रव-- IS : 1307-1958

1	2	3	4	5	6
104	सी एम/एल-2266 27-2-1970	1-10-1971	30-9-1972	जयलक्ष्मी फर्टीलाइजर्स, जी०एन० बी एच सी जल विसर्जनीय टी० रोड, माघवरम्, मद्रास-60 तेज चूर्ण- IS : 562-1962	
105	सी एम/एल-2267 27-2-1970	1-10-1971	30-9-1972	जयलक्ष्मी फर्टीलाइजर्स, जी०एन० एन्ड्रेन का पायसनीय तेज टी० रोड, माघवरम्, मद्रास-60 द्रव-	IS: 1310-1958
106	सी एम/एल-2268 27-2-1970	1-10-1971	30-9-1972	भारत पुल्वराइंजिंग मिल्स प्रा० लि०, 1074, तिरुबोत्तियूर हाई रोड, मद्रास-19	प्रमलसन योग्य इंडोमलफेन का तेज द्रव- IS: 4323-1967
107	सी एम/एल-2282 18-3-1970	1-10-1971	30-9-1972	"	मालाथियोन पायसनीय तेज द्रव- IS: 2567-1963
108	सी एम/एल-2312 27-4-1970	1-11-1971	31-10-1972	यू० के० पैट इंडस्ट्रीज, जी०टी० रोड, धातु के चौखटों के लिए प्रमृतसर	बी एच सी धूलन पाउडर- पट्टी- IS: 419-1967
109	सी एम/एल-2320 11-5-1970	16-11-1971	15-5-1972	प्रीमियर फर्टीलाइजर्स लि०, पाली-रनकुप्पम, कुड्हालूळ-3	बी एच सी धूलन पाउडर- IS: 561-1962
110	सी एम/एल-2325 19-5-1970	1-10-1971	30-9-1972	जयलक्ष्मी फर्टीलाइजर्स, जी० एन० मालाथियोन पायसनीय तेज टी० रोड, माघवरम्, मद्रास-60 द्रव-	IS: 2567-1963
111	सी एम/एल-2405 11-9-1970	1-10-1971	30-9-1972	भारत पुल्वराइंजिंग मिल्स प्रा० श्राद्धन योग्य गंधक चूर्ण-लि०, 1074, तिरुबोत्तियूर हाई रोड, मद्रास-19	IS: 3383-1965
112	सी एम/एल-2415 28-9-1970	16-9-1971	15-9-1972	प्रेमचन्द जूट मिल्स, (पट्टाधारी : बी-ट्रिवल जूट के बोरे - सोनाजुली टी एण्ड इंडस्ट्रीज लिं.) चेन्नै, हावड़ा	IS: 2566-1965
113	सी एम/एल-2420 6-10-1970	16-10-1971	15-10-1972	चालिहा रोलिंग मिल्स प्रा० लि०, 13, चंडीतला लेन, 55, नेताजी सुभाष चन्द्र बोस रोड, टालीगंज, कलकत्ता-40	गल्वनीकृत रोक तार की लड़- IS: 2141-1968
114	सी एम/एल-2421 16-10-1970	16-10-1971	30-9-1972	मल्टीप्लेक्स एंग्रो इंडस्ट्रीज प्रा०, एन्ड्रेन का पायसनीय तेज लि०, प्लाट नं० 184/11 और 184/12, नरोदा इंडस्ट्रियल इस्टेट, नरोदा, अहमदाबाद-2	द्रव- IS: 1310-1958
115	सी एम/एल-2426 16-10-1970	16-10-1971	15-4-1972	भारत पुल्वराइंजिंग मिल्स प्रा० लि०, चिन्नपोकली क्रास लेन, बम्बई-27	डी डी टी जल विसर्जनीय पाउडर- IS: 565-1961
116	सी एम/एल-2429 16-10-1970	16-10-1971	30-9-1972	भारत पुल्वराइंजिंग मिल्स प्रा० लि०, 1074, तिरुबोत्तियूर हाई रोड, मद्रास-19	फेनीट्राथियोन पायसनीय तेज द्रव- IS: 5281-1969

1

2

3

4

5

6

117	सी एम/एल-2433 21-10-1970	16-10-1971	15-10-1972	ए. जी ई डब्ल्यू स्टील मैन्युफैक्चरर्स इस्पात की खिड़कियां प्रा० नि०, अम्बिका टेल मिल और रोणनदान- श्रहाना, बाहर गोमतीपर गेट, आहमदाबाद-21 IS: 1038-1968
118	सी एम/एल-2434 22-10-1970	1-11-1971	30-4-1972	वेविन इंडिया लि०, प्लाट 65 और टॉटी से बर्तनों में पानी 66, अम्बतूर इंडस्ट्रियल इस्टेट, भरते के लिए अनम्यकृत मद्रास-58 पी. बी. सी. के पाइप, 160 मिमी तक के साइज के- IS: 4985-1968
119	सी एम/एल-2436 27-10-1970	1-11-1971	15-11-1972	दि नेशनल इंसुलेटेड केबल कं० आफ इंडिया लि०, 'निको हाउस,' हेरर स्ट्रीट, कलकत्ता खनिकों के टोपी लैम्पों के लिए लचकीले केबल- IS: 2593-1964
120	सी एम/एल-2438 30-10-1970	1-11-1971	31-10-1972	दि ऐल्कली एण्ड केमिकल कार- पोरेशन आफ इंडिया लि०, डाकघर रिपरा, जिला हुगली थिराम, तकनीकी- IS: 4320-1967
121	सी एम/एल-2442 30-10-1970	1-11-1971	31-10-1972	वेंसंस प्रैग्रो केमिकल्स एण्ड एला- इड इंडस्ट्रीज प्रा० नि०, प्रायवेट इंडस्ट्रियल हस्टेट, कोयम्बत्तर बी.एच.सी. घूतन पांडुर- IS: 561-1962
122	सी एम/एल-2444 30-10-1970	1-11-1971	31-10-1972	ग्रैमोमिग्रेट इंडिया, 8 बी, चेतना रोड, कलवत्ता-27 चाय की पेटियों के धातु के फिटिंग- IS: 10-1964
123	सी एम/एल-2448 4-11-1970	1-11-1971	31-10-1972	इनेक्ट्रिकल केबल्स एण्ड कंट्रोल्स सभी एल्युमिनियम चालक प्रा० नि०, बिनोय भवन, 8 बी, और ए. सी. एस आर. मंजिल, 27 बी, कैमेक स्ट्रीट, चालक- कलकत्ता-16 IS: 398-1961
124	सी एम/एल-2454 11-11-1970	1-11-1971	31-10-1972	जे० जे० लुकमानजी कापरवेश्वर फैक्टरी, (मालिक: मैसर्म एम० फैजुल्लाभाई एण्ड क०) जफर- भाई इंडस्ट्रियल इस्टेट, 111- एच, कुरना अंधेरी रोड, मरोल नाका, बस्वई-58 पिटवां एल्युमिनियम के वर्तन, ग्रेड एस आई सी- IS: 21-1959
125	सी एम/एल-2457 30-11-1970	16-11-1971	15-11-1972	वैस्टर्न रोलिंग मिल्स प्रा० नि०, संरचना इस्पात (मालक लाल बहादुर शास्त्री मार्ग, भांडुप, बम्बई-78 किस्म)- IS: 226-1969
126	सी एम/एल-2458 30-11-1970	16-11-1971	15-11-1972	„, संरचना इस्पात (माधारण किस्म) IS: 1977-1969

New Delhi, the 10th July 1972

S.O.2771.—In pursuance of sub-regulation (4) of regulation 14 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended from time to time, the Indian Standards Institution hereby notifies that licences No. CM -2794 and CM/L-2795, particulars of which are given below, have been cancelled with effect from 3 July 1972, due to the expiry of the lease of the manufacturing premises.

Sl. No.	Licence No. and Date No.	Name and Address of licensee	Article/Process covered by the licence cancelled	Relevant Indian Standard (5)
(1)	(2)	(3)	(4)	
1.	CM/L-2794 29-10-1971	M/s. Maharashtra Udyog, Khetan Industrial Estate, Ramkrishna Chemburkar Marg, Chembur, Bombay-74 having their Office at 3rd Lane, Kasara Street, Darukhana, Bombay-10.	Structural Steel (Standard Quality)	IS:226-1969 Specification for Structural Steel (Standard Quality) (Fourth Revision)
2.	CM/L-2795 29-10-1971	Do.	Structural Steel (Ordinary Quality)	IS : 1977-1969 Specification for Structural Steel (Ordinary Quality) (First Revision)

[No. CMD/55 : 2794.]

नई दिल्ली, 10 जुलाई, 1972

का० आ० 2771.—समय समय पर संशोधित भारतीय मानक संस्था (प्रमाणन चिन्ह) विनियम, 1955, के विनियम 14 के उप विनियम (4), के अनुसार भारतीय मानक संस्था द्वारा अधिसूचित किया जाता है कि लाइसेंस संस्था सी एम/एल-2794 तथा सी एम/एल-2795 जिनके ब्यौरे नीचे दिए हैं, उत्पादन स्थान के पट्टेदारी की अवधि समाप्त हो जाने के कारण 3 जुलाई 1972 से रद्द कर दिये गए हैं।

क्रम संख्या	लाइसेंस संख्या और तिथि	लाइसेंसधारी का नाम और पता	रद्द किए गए लाइसेंस के अधीन वस्तु/प्रक्रिया	तत्सम्बन्धी भारतीय मानक
(1)	(2)	(3)	(4)	(5)

1.	सी एम/एल-2794 29-10-1971	मैसर्स महाराष्ट्र उद्योग, खेतान संरचना इस्पात (मानक इंडस्ट्रियल इस्टेट, रामकृष्ण किस्म चैम्बूरकर मार्ग, चैम्बूर, बम्बई-74 (कार्यालय: तीसरी लेन, कसरा स्ट्रीट, दाखबाना, बम्बई-10)	IS:226-1968 संरचना इस्पात की विशिष्टि (मानक किस्म) (चौथा पुनरीक्षण)	
2.	सी एम/एल-2795 29-10-1971	“	संरचना इस्पात (साधा- रण किस्म)	IS:1977-1969 संरचना इस्पात की विशिष्टि (साधारण किस्म) (पहला पुनरीक्षण)

New Delhi, the 11 July 1972

S. O. 2772.—In pursuance of regulation 4 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that amendment(s) to the Indian Standard(s) given in the schedule hereto annexed have been issued under the powers conferred by the sub-regulation (1) of Regulation 3 of the said Regulations:

THE SCHEDULE

S.I. No.	No. and title of the Indian Standard amended	No. and Date of Gazette Notification in which the estab- lishemnt of the Indian Standard was notified.	No. and date of the Amendment	Brief particulars of the Amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)	(5)	(6)
1	IS : 251-1962 Specification for soda ash, technical (Revised)	S. O. 1683 dated 22 June 1963	No. 3 December, 1971	Table I has been amended and is applicable only to Second and Third Reprints of the standard.	1 December, 1971
2	IS: 292-1961 Specification for brass ingots and castings (Revised)	S.O. 2534 dated 28 October 1961	No. 2 December 1971	(i) Clauses 7.2 and 8.4 have been substituted by new ones (ii) Clause 9.1 and Appendix B have been amended (iii) Appendix A has been deleted	1 December 1971.
3	IS: 358-1964 Specification for benzol Industrial (Revised)	S.O. 4120 dated 5 December 1964	No. 1 December 1971	(Page 4, clause 1.1, line 3, second sentence)—Delete.	1 December, 1971.
4	IS:434(Pt I)-1964 Specification for rubber-insulated cables Part I with copper conductors (Revised)	S. O. 2673 dated 28 August 1965	No. 4 October 1971	(i) Clauses 7.1 to 7.3.5 have been substituted by a new clause. (ii) Table 15 has been deleted (iii) [Page 53 (page 54 of the Reprint), Table 34, caption (see also Amendment No. 3)]—Delete the words 'HEAVY DUTY'. (iv) A note has been added at the end of clause 23.1	1 October 1971
5	IS:554-1964 Dimensions for pipe threads for gas list tubes and pressure tight screwed fittings (Revised)	S. O. 1152 dated 10 April, 1965	No.2 November 1971	(i) Fig. 5 has been substituted by a new one. (ii) The existing headings of column 2, 3 and 4 of table 2 have been substituted by new ones.	1 Novemeber 1971.
6	IS:911-1968 Specification for air hose of rubber with braided textile reinforcement (Second Revision)	S. O. 1455 dated 19 April, 1969	No. 1 November 1971	Clause 4. 3. 2. 1 has been substituted by a new ones.	1 November 1971.
	IS:1003 (Pt I)-1966 Specification for time panelled and glazed shutters Part I door shutters (First Revision)	S. O. 2654 dated 5 Agu. 1967	*No. 3 November 1971	(i) Clauses 4.1.3, 4.4, 5.3.6 and 5.3.8, have been amended. (ii) Tables 1 and 3 have been amended. (iii) A new clause 4.7 has been added. (iv) A new sentence has been added at the end of clause 5.3.7.	1 November 1971

*For purposes of ISI Certification Marks Scheme this amendment shall come into force with effect from 1 January 1972.

(1)	(2)	(3)	(4)	(5)	(6)
8	IS:1164—1969 Specification for cocoa-powder (First Revision)	S. O. 5032 dated 6 November 1971	No. 1 December 1971	Clauses A-2.1 and C-2.1 have been amended	1 December 1971
9	IS:1308—1958 Specification for aldrin dusting powders	S. O. 74 dated 9 January 1960	No. 4 October 1971	(Page 7, clause E-2.3.1, equation)— Substitute '56.4' for '57.8'.	1 October 1971
10	IS:1385—1968 Specification for phosphorbronzerods and bars, sheetandstrip, and wire (First Revision)	S. O. 2578 dated 20 July 1968	No. 1 November 1971	Clauses 0.2 (a) and I.1 have been amended	1 November 1971
11	IS:1448 (P:38)—1967 Lead antiknock compounds in gasoline by gravimetric method (First Revision)	S. O. 520 dated 10 February 1968	No. 1 November 1971	[This amendment is being issued in order to align the method with the Joint ASTM-IP Standard No. ASTM D 526/66-IP 96/67]	1 November 1971
12	IS:1581—1960 Specification for ferro-gallo tannate fountain pen ink (0.2 Percent Iron Content)	S. O. 2084 dated 27 August 1960	No. 2 November 1971	[Page 3 (page 5 of the reprint), Table I, col.3, against 1.No. (i)]—Substitute '3.0' for '2.5'.	1 November 1971
13	IS:1658—1966 Specification for fibre hardboards (Revised)	S. O. 2419 dated 13 August 1966	No. 1 August 1971	(i) Table 1 and 2 have been amended (ii) Table 3 and clause E-1.1 have been substituted by new ones (iii) [Page 5, clause 5.1 (b)]—Delete the item and re-number the subsequent items accordingly. (iv) Clauses B-2.1, B-2.2 and D-3.2 have been amended	1 August 1971
14	IS:1694—1960 Specification for tartrazine, food grade	S. O. 570 dated 18 March 1961	No. 3 November 1971	A note has been added at the end of clause A-2.1	1 November 1971
15	IS:1698—1960 Specification for indigo carmine, food grade	S. O. 570 dated 18 March 1961	No. 3 November 1971	A note has been added at the end of clause A-2.1	1 November 1971
16	IS:1744—1970 Specification for stannic chloride, anhydrous, technical (First Revision)	S.O. 3544 dated 25 September 1971	No. 1 December 1971	(Page 3, clause 0.3, line 1)—1 December 1971 Substitute '1960' for '1956'.	1 December 1971
17	IS:1921—1961 Specification for rosin-coated solder wire, activated and non-activated (non-corrosive)	S. O. 1100 dated 14 April, 1962	No. 3 December 1971	(Page 5, clauses 7 and 7.1 and page 13, Appendix C)—Delete the clauses and the appendix and re-number the subsequent clauses accordingly.	1 November 1971
18	IS:1943—1964 Specification for at will jute bags (Revised)	S. O. 3951 dated 16 November 1964	No. 4 December 1971	A note has been added under clause B-2.1	1 December 1971
19	IS:1947—1961 Specification for flood-lights	S. O. 1998 dated 30 June 1962	No. 1 November 1971	Clause 8-1-3 has been amended	1 November 1971
20	IS:2016—1967 Specification for plain washers (First Revision)	S. O. 1367 dated 20 April, 1968	No. 1 December 1971	Clause 4.2 has been substituted by a new one.	1 December 1971
21	IS:2179—1962 Specification for converted timber for lorry bodies.	S. O. 483 dated 16 February 1963	No. 3 October 1971	Clause 5.3 (a) has been amended	1 October 1971
22	IS:2212—1962 Code of practice for brickwork	S. O. 898 dated 30 March 1963	No. 1 November 1971	Clauses 5.6.5.1., 5.6.6 and 6.7 have been amended.	1 November 1971
23	IS:2544—1963 Specification for porcelain post insulators (3.3 kv and above).	S. O. 1840 dated 30 May 1964	No. 5 December 1971	Clause 9.3.3.1. has been substituted by a new one.	1 December 1971
24	IS:2570—1963 Specification for methyl parathion, technical	S. O. 1102 dated 28 March, 1964	No. 1 December 1971	Clause 3.1 has been substituted by a new one.	1 December 1971
25	IS:2580—1965 Specification for jute bags for packing cement (Revised)	S. O. 1208 dated 30 April, 1966	No. 1 December 1971	A note has been added under clause B-2.1	1 December 1971

(1)	(2)	(3)	(4)	(5)	(6)
26	IS:2824—1964 Method for determination of the comparative tracking index of solid insulating materials.	S. O. 83 dated 2 January 1965	No. 2 December 1971	Fig. 5 has been substituted by a new one	i December 1971
27	IS:2875—1964 Specification for jute corn sacks.	S. O. 3950 dated 16 November 1964	No. 4 December 1971	A note has been added under clause B-2.1	i December 1971
28	IS:2924—1964 Specification for fast red E, food grade.	S. O. 1152 dated 10 April 1965	No. 2 November 1971	A note has been added at the end of the clause A—3.1	i November 1971
29	IS:3196—1968 Specification for welded low carbon steel gas cylinder for the storage and transportation of low pressure liquefiable gases (First Revision)	S. O. 593 dated 15 February 1969	No. 4 August 1971	(i) A new clause 3.3 has been added. (ii) (Page 10, clause 10.1.2, lines 5 and 6)—Delete the words 'and elongation.'	i August 1971
30	IS:3965—1969 Dimensions for wrought aluminium and aluminium alloys, bar, rod and section.	S. O. 2555 dated 28 June 1969	No. 1 December 1971	(Page 7, Table 4, Note)—Add the following as 'Note 2' and re-number the existing Note as 'Note 1': 'Note 2' All the tolerances are in plus and minus.	i December 1971
31	IS:4035—1967 Specification for trolleys, stretcher	S. O. 4633 dated 30 December 1967	No. 1 November 1971	New clause 3.3 has been added	i November 1971
32	IS:4106—1967 Specification for bunting cloth, cotton khadi, dyed.	S. O. 4562 dated 23 Dec. 1967.	No. 1 December 1971	Clause 2.2.3 has been substituted by a new one.	i December 1971
33	IS:4266—1967 Specification for lockers, bedside for hospital use	S. O. 287 dated 20 January 1968	No. 1 November 1971	(i) Clauses 3.3 and 4.3.1, have been amended (ii) Fig. 1 has been substituted by a new one.	i November 1971
34	IS:4366—1967 Specification for agricultural tillage Discs	S. O. 1719 dated 18 May 1968	No. 1 June 1971	This amendment permits the adoption of widely used dimensions of discs during the transition period after which the industry is expected to change over fully to dimensions based on preferred number series prescribed earlier.	i June 1971
35	IS:4519—1968 Specification for copper for commutator bars	S. O. 2766 dated 10 August 1968	No. 1 December 1971	(Page 16, clause 7.3.1, line 2)—i December 1971 Substitute the word 'more' for the word 'less'.	i December 1971
36	IS:4775—1968 Specification for picking sticks for underpick cotton looms	S. O. 368 dated 25 January 1969	No. 1 November 1971	This amendment is being issued with a view to extending the scope of the standard so as to cover picking sticks for underpick woollen and worsted looms since such looms also require picking sticks of various shapes and dimensions. Opportunity has also been taken to amend other clauses of the standard in view of certain comments received.	i November 1971
37	IS:4811—1968 Specification for cinnamon, whole	S.O. 1455 dated 19 April 1969	No. 1 December 1971	Table I has been amended	i December 1971
38	IS:5300—1969 Specification for porcelain guy strain insulators	S. O. 1236 dated 4 April 1970	No. 1 December 1971	Clause 7.4.2 has been amended.	i December 1971
39	IS:5670—1970 Specification for lead thiocyanate for explosive and pyrotechnic compositions.	S. O. 3544 dated 25 Sep. 1971	No. 1 December 1971	(Page 12, clause B-5.1.1, line 2)—i December 1971 Substitute '0.05' for '0.06'.	i December 1971

(1)	(2)	(3)	(4)	(5)	(6)
40. IS: 5718—1970 Test code for air-screen seed cleaners	..	No. 1 December 1971	Clause 0.2 has been amended	1 December 1971	
41. IS: 5831—1970 Specification for pvc insulation and sheath of electric cables.	..	No. 2 December 1971	New clauses 5.1.1.1 to 5.1.1. 3 have been added.	1 December 1971	
42. IS: 5954—1970 Specification for dental white gold alloys.	..	No. 1 December 1971	(Page 2, under committee composition of SMDC 13/P-6)—Substitute the following for the existing matter: ‘Dr. P. R. Gupta Directorate General of Technical Development, New Delhi’.	1 December 1971	

Copies of these amendments are available with the Indian Standards Institution, 'Mark Eleven' 5 Floor, Shah Zafar Marg, New Delhi-1 and also its branch offices at (i) 534 Sardar Vallabhbhai Patel Road, Bombay-7 (ii) 5 Cawnpore Approach, Calcutta-13 (iii) 54 General Patters Road, Madras-2 (iv) 117/418B, Savocya Nagar, Kharjuli, (v) 5-9-201/2 Chirag Ali Lane, Hyderabad-1, (vi) 'Sadhra' Nurmohamed Shaikh Marg, Khanpur, Ahmedabad-1 and (vii) F. Block, Unity Bldg; Narasimha Rao Square, Bangalore-2.

[NO. C.M.D. 13:5]

नई दिल्ली, 11 जूनाई, 1972

एस० श्रो० 2772.—भारतीय मानक संस्था (प्रमाणन चिह्न) विनियम 1955 के विनियम 4 के अनुसार भारतीय मानक संस्था द्वारा अधिसूचित किया जाता है कि उक्त विनियम 3 के उपविनियम (1) के अनुसार प्राप्त अधिकार के अधीन यहाँ अनुसूची में दिए भारतीय मानकों के संशोधन जारी किए गए हैं:—

अनुसूची

क्रम संख्या	संशोधित भारतीय मानकों की पद संस्था और शीर्षक	जिस राजपत्र में भारतीय मानक तैयार होने की सूचना छपी थी उसकी सं० और दिनांक	संशोधन की संख्या भारतीय मानक तैयार होने की सूचना छपी थी उसकी सं० और दिनांक	संशोधन का संक्षिप्त विवरण संशोधन का संक्षिप्त विवरण	लागू होने की तिथि
(1)	(2)	(3)	(4)	(5)	(6)
1.	IS: 251—1962 एस श्रो 1683 दिनांक सं० 3 सोडा-राख तकनीकी की 22 जून 1963 विशिष्टि	सं० 3 दिसम्बर 1971	सारणी 1 का संशोधन किया गया है और यह मानक के केवल दूसरे तथा तीसरे रिप्रिंट में ही लागू होगा।	सारणी 1 का संशोधन किया गया है और यह मानक के केवल दूसरे तथा तीसरे रिप्रिंट में ही लागू होगा।	1 दिसम्बर 1971
2.	IS: 292—1961 एस श्रो 2534 पीतल की सिलिया और कास्टिंग की विशिष्टि (पुनरीक्षित)	सं० 2 दिसम्बर 1971	(1) खण्ड 7.2 और 8.4 के स्थान पर नए खण्ड जोड़ दिए गए हैं; (2) खण्ड 9.1 और परिशिष्ट वी का संशोधन किया गया है। (3) परिशिष्ट 'ए' को हटा दिया गया है।	(1) खण्ड 7.2 और 8.4 के स्थान पर नए खण्ड जोड़ दिए गए हैं; (2) खण्ड 9.1 और परिशिष्ट वी का संशोधन किया गया है। (3) परिशिष्ट 'ए' को हटा दिया गया है।	1 दिसम्बर 1971
3.	IS: 358—1964 एस श्रो 4120 वैजॉल, श्रीदयोगिक की विशिष्टि (पुनरीक्षित) 1964	सं० 1 दिसम्बर 1971	(पृष्ठ 4, खण्ड 1.1 पंक्ति 3, दूसरावाक्य) इसको हटा दीजिए	(पृष्ठ 4, खण्ड 1.1 पंक्ति 3, दूसरावाक्य) इसको हटा दीजिए	1 दिसम्बर 1971

(1)	(2)	(3)	(4)	(5)	(6)
4. IS: 434 (भाग 1)-	एस ओ 2673 दिनांक सं० 4 1964 रवड़ रोधित केवल की विशिष्टि भाग 1 तांबे के चालक लगे-(पुनरीक्षित)	28 अगस्त 1965	अक्टूबर 1971	(1) खण्ड 7.1 से खण्ड 7.3. 5 के स्थान नए खण्ड जोड़ लीजिए (2) सारणी 15 को हटा दीजिए (3) पृष्ठ 53 (पृष्ठ 54 रिप्रिंटिंग), सारणी 34, शीर्षक (संशोधन, संख्या 3 को भी देख लेवें)-शब्द 'Heavy Duty' को हटा दें ? (4) खण्ड 23.1 के उपरान्त एक टिप्पणी जोड़ लीजिए	1 अक्टूबर 1971
5. IS: 554—1964	एस ओ 1152 दिनांक सं० 2 10 मंगेल 1965	नवम्बर 1971		(1) प्राकृति 5 के स्थान पर नई प्राकृति जोड़ दीजिए (2) सारणी 2 में स्तम्भ 2, 3 तथा 4 में वर्तमान शीर्षक के स्थान पर नए शीर्षक जोड़ दीजिए।	1 नवम्बर 1971
6. IS: 911—1960	एस ओ 1455 दिनांक सं० 1 19 मंगेल, 1969	नवम्बर 1971		खण्ड 4, 3, 2, 1 के स्थान पर नया खण्ड जोड़ लीजिए	1 नवम्बर 1971
7. IS: 1003(भाग 1) —1966 लकड़ी के ठैनेल लगे और काच लगे किवाड़ भाग 1 दरवाजों के किवाड़ (पहला पुनरीक्षण)	एस ओ 2654 दिनांक *सं० 3 5 अगस्त 1967	नवम्बर 1971		(1) खण्ड 4, 1, 3, 4, 4, 5, 3, 6 और 5, 3, 8 का संशोधन किया गया है। (2) सारणी 1 और 3 का संशोधन किया गया है। (3) एक नया खण्ड 4, 7 जोड़ दिया गया है। (4) खण्ड 5, 3, 7 के बाद एक नया बाक्य जोड़ दिया गया है।	1 नवम्बर 1971
8. IS: 1164—1969 कोका का चूर्ण की विशिष्टि (पहला पुनरीक्षण)	एस ओ 5032 दिनांक सं० 1 6 नवम्बर 1971	दिसम्बर 1971		खण्ड ए-2.1 और सी 2.1 का संशोधन किया गया है।	1 दिसम्बर 1971
9. IS: 1308—1958 पाइन का धूलन पाउडर की विशिष्टि	एस ओ 74 दिनांक 9 जनवरी 1960	सं० 4 अक्टूबर 1971		(पृष्ठ 7, खण्ड इ-2.3.1, 1 प्रष्ठक)-57.8 के स्थान पर 56.4 कर लीजिए	1 अक्टूबर 1971

* यह संशोधन भारतीय मानक संस्था (प्रमाणन चिरंतन) योजना कार्यों के लिए 1 जनवरी 1972 से लागू हो जाएगा।

(1)	(2)	(3)	(4)	(5)	(6)
10. IS: 1385—1958	एम ओ 2578 दिनांक फास्फर-कॉमा की छड़े सरिया, चद्दर, पंजी ओर तार की विशिष्टि (पहला पुनरीक्षण)	20 जुलाई 1968	सं० 1 नवम्बर 1971	खण्ड 0, 2 (प) और 1, 1 का संशोधन किया गया है।	1 नवम्बर 1971
11. IS: 1448(पी-38)—	एम ओ 520 दिनांक 1967 गुरुवर मापी 10 फरवरी 1968 पद्धति द्वारा गैसोलिन में सीमा ऐटी नाक यौगिक निकालना (पहला पुनरीक्षण)	सं० 1 नवम्बर 1971	गह संशोधन मानक में दी गई पद्धति को जायंट ASTM-IP मानक सं० AST MD 526/IP 90/67 के अनुरूप करने के उद्देश्य से जारी किया जा रहा है।	1 नवम्बर 1971	
12. IS: 1581—1960	एम ओ 2084 दिनांक फैगे-रैनो ट्रेनेर फाउं- टेन पेन की स्थाही (0, 2 प्रतिशत लोह युक्त) की विशिष्टि	27 अगस्त 1960	सं० 2 नवम्बर 1971	[पृष्ठ 3 (रिप्रिट के पृष्ठ 5) 1 नवम्बर 1971 मारणी 1, स्मृति 3 में क्रम संज्ञा (1) के मामने] '2, 5 के स्थान पर '3, 0' कर लीजिए।	
13. IS: 1658—1966	एम ओ 2419 दिनांक कपड़ा लगे हाई-बोर्ड की विशिष्टि	13 अगस्त 1966	सं० 1 अगस्त 1971	(1) मारणी 1 और 2 का 1 अगस्त, 1971 संशोधन किया गया है; (2) मारणी 3 और खण्ड इ 1-1 के स्थान पर नई मारणी तथा खण्ड जोड़ लीजिए; (3) (पृष्ठ 5, खण्ड 5, 1(बी))— मद को नया क्रम देकर गोष्ठ मदों को पुनः क्रमांक कर लीजिए; (4) खण्ड बी 2, 1; बी 2, 2 और डी 3, 2 का संशोधन कर लीजिए।	1 अगस्त, 1971
14. IS: 1694—1960	एम ओ 570 दिनांक टारट्राजीन फूड बोड 18 मार्च 1961 की विशिष्टि	सं० 3 नवम्बर 1971	खण्ड ए 2-1 के अन्त में एक टिप्पणी जोड़ दी गई है।	1 नवम्बर, 1971	
15. IS: 1698—1960	एम ओ 570 इनिगो कार्भिन फूड 18 मार्च 1961 बोड की विशिष्टि	सं० 3 नवम्बर 1971	खण्ड ए-2, 1 के अन्त में एक नई टिप्पणी जोड़ दी गई है।	1 नवम्बर, 1971	
16. IS: 1744—1970	एस ओ 3544 दिनांक सटीनिक ब्लोराइट, 25 सितम्बर 1971 अजल, तकनीकी की विशिष्टि (पहला पुनरीक्षण)	सं० 1 दिसम्बर 1971	(पृष्ठ 3, खण्ड 0, 3 पक्का 1)— '1956' के स्थान पर '1960' कर लीजिए।	1 दिसम्बर 1971	
17. IS: 1921—1961	एस ओ 1100 दिनांक रोजिन कोर वाली 14 अप्रैल 1962 शोल्डर की तार, सक्रिय तथा ग्रासक्रिय (जंग न लगने वाली) की विशिष्टि	सं० 3 बिसम्बर 1971	(पृष्ठ 5, खण्ड 7 और 7, 1 तथा 1 नवम्बर, 1971 पृष्ठ 13, परिशिष्ट भी)।—इन खण्डों तथा परिशिष्ट को हटा दीजिए और गोष्ठ खण्डों को पुनः क्रमांक कर लीजिए।	1 नवम्बर, 1971	

(1)	(2)	(3)	(4)	(5)	(6)
18.	IS: 1943--1964 एस ओ 3951 दिनांक 16 नवम्बर 1964	मं० 4 दिसम्बर 1971	खण्ड बी-2.1 के अन्तर्गत एक टिप्पणी जोड़ दी गई है।		1 दिसम्बर 1971
19.	IS: 1947—1961 एस ओ 1998 दिनांक 30 जून 1962	मं० 1 नवम्बर 1971	खण्ड 8.1.3 का संगोष्ठन किया गया है।		1 नवम्बर, 1971
20.	IS: 2016—1967 एस ओ 1367 दिनांक 20 अप्रैल 1968	मं० 1 दिसम्बर 1971	खण्ड 4.2 के स्थान पर नया खण्ड जोड़ दिया गया है।		1 दिसम्बर 1971
21.	IS: 2179—1962 एस ओ 483 दिनांक 16 फरवरी 1963	मं० 3 अक्टूबर 1971	खण्ड 5.3 (ए) का संगोष्ठन कर दिया गया है।		1 अक्टूबर 1971
22.	IS: 2212—1962 एस ओ 898 दिनांक 30 मार्च 1963	मं० 1 नवम्बर 1971	खण्ड 5.6.5; 5.6.6 और 5.6.7 का संगोष्ठन कर दिया गया है।		1 नवम्बर 1971
23.	IS: 2544—1963 एस ओ 1840 दिनांक 30 मई 1964	मं० 5 दिसम्बर 1971	खण्ड 9.3.3.1 के स्थान पर नया खण्ड जोड़ लीजिए।		1 दिसम्बर 1971
24.	IS: 2570—1963 एस ओ 1102 दिनांक 28 मार्च 1964	सं० 1 दिसम्बर 1971	खण्ड 3.1 के स्थान पर नया खण्ड जोड़ लीजिए।		1 दिसम्बर 1971
25.	IS: 2580—1965 एस ओ 1308 दिनांक 30 अप्रैल 1966	मं० 1 दिसम्बर 1971	खण्ड बी 2.1 के अन्तर्गत एक टिप्पणी जोड़ दी गई है।		1 दिसम्बर 1971
26.	IS: 2824—1964 एस ओ 83 दिनांक 2 जनवरी 1965	सं० 2 दिसम्बर 1971	(आकृति 5 के स्थान पर नई आकृति जोड़ दी गई है)		1 दिसम्बर 1971
27.	IS: 2875—1964 एस ओ 3950 दिनांक 16 नवम्बर, 1964	सं० 4 दिसम्बर 1971	खण्ड 2.1 के अन्तर्गत एक नई टिप्पणी जोड़ दी गई है।		1 दिसम्बर 1971
28.	IS: 2924—1964 एस ओ 1152 दिनांक 10 अप्रैल, 1965	सं० 2 नवम्बर 1971	खण्ड ए 3.1 के अन्त में एक नई टिप्पणी जोड़ दी गई है।		1 नवम्बर 1971

(1)	(2)	(3)	(4)	(5)	(6)
29.	IS: 3196—1968 श्रवणीय गैसों के भंडारण और परिवहन के लिए बेल्ड किए हुए श्रवण कार्बन इस्पात के गैस के सिलेन्डर की विशिष्टि (पहला पुनरीक्षण)	एस ओ 593 दिनांक 15 फरवरी, 1969	सं० 4 अगस्त 1971	(1) एक नया खण्ड 3.3 जोड़ दिया गया है। (2) (पृष्ठ 10, खण्ड 10.1.2.1, पंक्ति 5 तथा 6)—शब्द and elongation" को हटा दीजिए	1 अगस्त 1971
30.	IS: 3965—1969 फिटवॉ एल्यूमिनियम तथा मिश्र एल्यू-मिनियम, लड़े सरिया और सेक्षण की नारें	एस ओ 2555 दिनांक 28 जून 1969	सं० 1 दिसम्बर 1971	(पृष्ठ 7, सारणी 4, टिप्पणी) — निम्नलिखित को टिप्पणी 2 के रूप में जोड़ लीजिए और वर्तमान टिप्पणी को टिप्पणी 1 कर लीजिए : टिप्पणी 2 "All tolerances are in plus and minus"	1 दिसम्बर 1971
31.	IS: 4035—1967 स्ट्रेचर वाली ट्रालियों की विशिष्टि	एस ओ 4633 दिनांक 30 दिसम्बर 1967	सं० 1 नवम्बर 1971	नया खण्ड 3.3 जोड़ दिया गया है।	1 नवम्बर 1971
32.	IS: 4106—1967 छ्वज, कपड़ा, सूती खादी, रंग द्वारा की विशिष्टि	एस ओ 4562 दिनांक 23 दिसम्बर 1967	सं० 1 दिसम्बर 1971	खण्ड 2.2.3 के स्थान पर नया खण्ड जोड़ दिया गया है।	1 दिसम्बर 1971
33.	IS: 4266—1967 अस्पतालों में उपयोग के लिए पलंगों के बगलों में रखे जाने वाले लॉकर्स की विशिष्टि	एस ओ 287 दिनांक 20 जनवरी 1968	सं० 1 नवम्बर 1971	1) खण्ड 3.3 घौर 4.3.1 का संशोधन किया गया है। 2) आकृति 1 के स्थान पर नई आकृति जोड़ दी गई है।	1 नवम्बर 1971
34.	IS: 4366—1967 जुसाई में प्रयुक्त चक्कियों की विशिष्टि	एस ओ 1719 दिनांक 18 मई 1968	सं० 1 जून 1971	इस संशोधन द्वारा अन्तिरम समय के लिए औद्योगिक क्षेत्र में अधिकतर प्रयुक्त होने वाली चक्कियों की मापों को निश्चित ऋमांक के प्राधार पर बनी मापों का अनुकरण करने तक ग्रहण किया जा सकता है।	1 जून 1971
35.	IS: 4519—1968 कम्प्यूटर छड़ों के लिए ताँबे की विशिष्टि	एस ओ 2766 दिनांक 10 अगस्त 1968	सं० 1 दिसम्बर 1971	(पृष्ठ 16, खण्ड 7.3.1, पंक्ति 2) शब्द '3' के स्थान मर शब्द 'more' कर लीजिए	1 दिसम्बर 1971

(1)	(2)	(3)	(4)	(5)	(6)
36.	IS : 4775—1968 श्रद्धरपिक सूती करघों के लिए पिंकिंग स्टिक की विशिष्टि	एस ओ 368 दिनांक 25 जनवरी 1969	सं० 1 नवम्बर 1971	इस संशोधन को जारी करने का उद्देश्य 1 नवम्बर 1971 श्रद्धरपिक ऊनी पिक ऊनी और वस्टर्डै करघों के लिए भी मानक में दी गई पिंकिंग स्टिक अनुशेष करघा है क्योंकि ऐसे करघों में भी विभिन्न प्रकार की आकृतियों तथा मार्गों की पिंकिंग स्टिकों की आवश्यकता होती है। मानक के अन्य खण्डों को भी इस निमित प्राई विभिन्न अयोजनाओं के आधार पर संशोधन किया गया है।	
37.	IS : 4811—1968 साबूत घाल चीनी की विशिष्टि	एस ओ 1455 दिनांक 19 अप्रैल 1969	सं० 1 दिसम्बर 1971	सारणी 1 का संशोधन किया गया 1 दिसम्बर 1971	
38.	IS : 5300—1969 पोसिलेन के नियन्त्रक प्रतिबल रोधक इंसुलेटर की विशिष्टि	एस ओ 1236 दिनांक 4 अप्रैल 1970	सं० 1 दिसम्बर 1971	खण्ड 7. 4. 2 का संशोधन किया 1 दिसम्बर 1971	
39.	IS : 5670—1970 विस्फोट और आतिथा- बाजी पदार्थों के लिए सी सी-थायोसल्फेट की विशिष्टि	एस ओ 3544 दिनांक 25 सितम्बर 1971	सं० 1 दिसम्बर 1971	(पृष्ठ 12, खण्ड वी 5. 1. 1 पंक्ति '2) '0. 06' के स्थान पर '0. 05' कर लीजिए	1 दिसम्बर 1972
40.	IS : 5718—1970 वायु छनना वाले बोज साफ करने के यंत्र की परीक्षा संहिता	—	सं० 1 दिसम्बर 1971	खण्ड 0. 2 का संशोधन किया गया 1 दिसम्बर 1971	
41.	IS : 5831—1970 विजली के केबलों के पी यी सी केबल के रोधन और खोल की विशिष्टि	—	सं० 2 दिसम्बर 1971	नए खण्ड 5. 1. 1. 1 से 5. 1. 1. 1 तक जोड़ लीजिए।	1 दिसम्बर 1971
42.	IS : 5954—1970 वात सम्बन्धी सफेद स्वैच्छ मिश्रधातु की विशिष्टि	—	सं० 1 दिसम्बर 1971	(पृष्ठ 2, एस एम डी सी 13/पी- 6 समिति के गठन शीर्षक के अन्त- गत निम्नलिखित सामग्री जोड़ लीजिए— “डा० पी० आर० गुप्त, महानिदेशक, तकनीकी विकास, नई दिल्ली”	1 दिसम्बर 1971

इन भारतीय मानकों की प्रतियां भारतीय मानक संस्था, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-1, और उसके शाखा कार्यालयों (1) 'साधना' नूरमोहम्मद रोड मार्ग, खानपुर अहमदाबाद-1 (2) सिडीकेट बैंक बिल्डिंग, गांधीनगर, बंगलोर-9, (3) 534, सरदार बलभ भाई पटेल रोड, बैंगलोर-7, (4) 5, चौरंगी एपीच रोड, कलकत्ता-13 (5) 5-9-201/2, चिराग प्रली लेन, हैदराबाद-1, (6) 117/418-बी, सर्वोदय नगर, कानपुर-5 और (7) 54, जनरल पैटर्स रोड, मद्रास-2 से प्राप्त की जा सकती हैं।

New Delhi, the 17th July, 1972

S. O. 2773.—In pursuance of sub-regulation (1) of Regulation 5 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended from time to time, and consequent upon publication of IS: 2510—1971 Specification for bottom rollers for cotton ring spinning and speed frames (*second revision*), it is, hereby, notified that IS: 3977—1967 Specification for bottom rollers for speed frames, details of which were published under notification number S. O. 1972 dated 26 May 1967, in the Gazette of India, Part II, Section 3-sub section (ii) dated 10 June 1967, has been cancelled, as its requirements have been covered in IS: 2510—1971.

[No. CMD/13:9]

नई दिल्ली, 17 जुलाई, 1972

एस०ओ० 2773.—समय समय पर संशोधित भारतीय मानक संस्था (प्रमाणन चिह्न) विनियम 1955 के विनियम 5 के उपविनियम (1) के अनुसार तथा IS: 2510—1971 सूती रंग कनः और गति फेमों के लिए निचले रोलरों की विशिष्ट (दूसरा पुनरीक्षण) के प्रकाशित होने के फलस्वरूप अधिजसूचित किया जाता है कि IS: 3977—1967 गत फेमों के लिए निचले रोलरों की विशिष्ट जिसके बारे में एस ओ 1972, विनांक 26 मई 1967 के अन्तर्गत भारत के राजपत्र भाग 2, खण्ड 3, उपखण्ड 2, दिनांक 10 जून 1967 में प्रकाशित हुए, रद्द कर दिया गया है क्योंकि इसकी अपेक्षां IS: 2510—1971 में शामिल कर ली गई है।

[स० सी एम डी/13:7]

S. O. 2774.—In pursuance of sub-regulation (4) of regulation 14 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended subsequently, the Indian Standards Institution hereby notifies that Certification Marks Licence No CM/L-1692 particulars of which are given below, has been cancelled with effect from 1 February 1972 due to change in the name of licensee:—

THE SCHEDULE

Licence No. and Date	Name & Address of Licensee	Article/Process covered by the licence cancelled	Relevant Indian Standard
CM/L—1692 13-5-1968	PVC Wires & Cables Private Ltd., 1, Ishan Ghosh Road, Calcutta-8.	Hard-drawn stranded aluminium and steel-cored aluminium conductors for overhead power transmission purposes	IS: 398—1961 Specification hard-drawn stranded aluminium and steel-cored aluminium conductors for overhead power transmission (Revised)

[No. CMD/33:1692 (ET)]

एस०ओ० 2774.—समय समय पर संशोधित भारतीय मानक संस्था (प्रमाणन चिह्न) विनियम 1955 के विनियम 14 के उपविनियम (4) के अनुसार भारतीय मानक संस्था द्वारा अधिसूचित किया जाता है कि लाइसेंस संस्था सी एम/एल-1692, जिसके बारे में नीचे अनुसूची में दिए गए हैं, लाइसेंसदारी द्वारा नाम में परिवर्तन किया जाने के कारण 1 फरवरी 1972 में रद्द कर दिया गया है:

लाइसेंस संख्या और तिथि	लाइसेंसदारी का नाम और पता	रद्द किए गए लाइसेंस के अधीन वस्तु/प्रक्रिया	तत्सम्बन्धी में भारतीय मानक
------------------------	---------------------------	---------------------------------------------	-----------------------------

सी एम/एल-1692 13-5-1968	पी बी सी वायर एण्ड केबल्स प्राइवेट लिं., 1, ईशां घोष रोड, कলकत्ता-8	शिरोपरि पावर प्रेषण कार्यों के लिए सख्त खिचे लड़दार एल्युमिनियम और इस्पात की कोर लगे एल्यु-मिनियम चालक	IS: 398—1961 शिरोपरि पावर प्रेषण कार्यों के लिए सख्त खिचे लड़दार एल्यु-मिनियम और इस्पात की कोर लगे एल्युमिनियम चालक (पुनरीक्षित)
----------------------------	---------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------

[स० सी एम डी/33 : 1692 (ह दी)]

New Delhi, the 25th July 1972

S.O. 2775.—In pursuance of sub-rule (1) of rule 4 of the Indian Standards Institution (Certification Marks) Rules, 1955 the Indian Standards Institution hereby notifies that the Standard Mark(s) design (s) of which together with the verbal description of the design(s) and the title(s) of the relevant Indian Standard(s) are given in the schedule hereto annexed, have been specified.

These Standard Mark(s) for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952 and the Rules and Regulations framed thereunder, shall come into force with effect from the dates shown against each :

THE SCHEDULE

Sl. No.	Design of the Standard Mark	Product/Class of Product	No. and Title of the Relevant Indian Standard	Verbal description of the Design of the Standard Mark	Date of effect
1	2	3	4	5	6
1.	IS:2105 	Letterpress ink, black, general purposes.	IS:2105-1962 Specification for letter press ink, black general purposes.	The monogram of the Indian Standards Institution, consisting of letters 'ISI', drawn in the exact style and relative proportions as indicated in Col. (2), the number designation of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.	16 March 1972
2.	IS:2431 	Steel Wheelbarrows (Single-wheel type).	IS:2431-1963 Specification for steel wheelbarrows (single-wheel type).	The monogram of the Indian Standard Institution, consisting of letters 'ISI', drawn in the exact style and relative proportions as indicated in Col. (2), the number designation of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.	16 June 1972
3.	IS : 3231 	Electrical relays for power system protection.	IS:3231-1965 Specification for electrical relays for power system protection.	The monogram of the Indian Standards Institution, consisting of letters 'ISI', drawn in the exact style and relative proportions as indicated in Col. (2), the number designation of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.	1 April 1972
4.	IS : 4184 	Steel wheelbarrows (with two wheels).	IS:4184-1967 Specification for steel wheelbarrows (with two wheels)	The monogram of the Indian Standard Institution, consisting of letters 'ISI', drawn in the exact style and relative proportions as indicated in Col. (2), the number designation of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.	16 June 1972

[No. CMD/13:9]

नई दिल्ली, 25 जुलाई, 1972

एस० ओ० 2775.—भारतीय मानक संस्था प्रमाणन चिह्न नियम 1953, के नियम 4 के उपविनियम (1) के अनुसार भारतीय मानक संस्था की ओर से अधिसूचित किया जाता है कि मानक चिह्न जिनके डिजाइन और शाब्दिक विवरण तत्सम्बन्धी मानकों के शीषिक सहित नीचे अनुसूची में दिए गए हैं, भारतीय मानक संस्था द्वारा निर्धारित किए गए हैं।

भारतीय मानक संस्था (प्रमाणन चिह्न) अधिनियम 1952 और उसके अधीन बने नियमों के निमित्त ये मानक चिह्न आगे दिखाई गई तिथियों से लागू हो जाएंगी।

अनुसूची

क्रम मानक चिह्न की उत्पादन/उत्पाद का वर्ग सम्बद्ध भारतीय मानक की भारतीय मानक चिह्न की लागू होने की संख्या डिजाइन पद संख्या और शीर्षक डिजाइन का शाब्दिक विवरण तिथि

(1) (2) (3) (4) (5) (6)

1. IS : 2105



सामान्य कार्यों के लिए (चिन्ह-टीका) लैटर प्रेस की स्थाही, काली

IS : 2105—1962
सामान्य कार्यों के लिए (चिन्ह-टीका) लैटर प्रेस की स्थाही, काली

भारतीय मानक संस्था का मोनो-
ग्राम जिसमें 'ISI' शब्द होते
हैं स्तम्भ (2) में दी गई शैली
और अनुपात में तैयार किया
गया है और जैसा दिखाया
गया है उस मोनोग्राम में ऊपर
की ओर भारतीय मानक की
पदसंख्या दी गई है।

2. IS : 2431



इस्पात का एक पहिये ठेला (एक पहिये नुमा)

IS : 2431—1963
इस्पात के एक पहिये ठेले की विशिष्टि (एक पहिये नुमा)

भारतीय मानक संस्था का मोनो-
ग्राम जिसमें 'ISI' शब्द होते
हैं स्तम्भ (2) में दी गई शैली
और अनुपात में तैयार किया
गया है और जैसा दिखाया
गया है उस मोनोग्राम में ऊपर
की ओर भारतीय मानक की
पदसंख्या दी गई है।

3. IS : 3231



पावर सिस्टम के बचाव के लिए इलेक्ट्रिकल रिलेज

IS : 3231—1965
पावर सिस्टम के बचाव के लिए इलेक्ट्रिकल रिलेज की विशिष्टि

भारतीय मानक संस्था का मोनो-
ग्राम जिसमें 'ISI' शब्द होते
हैं स्तम्भ (2) में दी गई शैली
और अनुपात में तैयार किया
गया है और जैसा दिखाया
गया है उस मोनोग्राम में ऊपर की
ओर भारतीय मानक की
पदसंख्या दी गई है।

4. IS : 4184



इस्पात की दो पहियों वाला ठेला (दो पहिए लगे)

IS : 4184—1967
इस्पात की दो पहियों वाले ठेला की विशिष्टि (दो पहिए लगे)

भारतीय मानक संस्था का मोनो-
ग्राम जिसमें 'ISI' शब्द होते
हैं स्तम्भ (2) में दी गई शैली
और अनुपात में तैयार किया
गया है और जैसा दिखाया
गया है उस मोनोग्राम में ऊपर
की ओर भारतीय मानक की
पदसंख्या दी गई है।

S.O. 2776.—In pursuance of sub regulation (3) regulation of 7 of the Indian Standards Institution (Certification Marks) Regulations 1955, the Indian Standards Institution hereby notifies that the marking fee(s) per unit for various products details of which are given in the Schedule here to annexed, have been determined and the fee(s) shall come into force with effect from the dates shown against each :

THE SCHEDULE

Sl. No.	Product/Class of Product	No. and Title of Relevant Indian Standard	Unit	Marking Fee per Unit	Date of Effect
1	2	3	4	5	6
1	Letterpress ink, black, general purposes.	IS:2105-1962 Specification for letterpress ink, black, general purposes.	Onc Kg.	10 Paise	16 March 1972
2	Steel Wheelbarrows (single wheel type).	IS : 2431-1963 Specification for steel wheelbarrows (single-wheel type).	One wheel barrow	50 Paise	16 June 1972
3	Electrical relays for power system protection	IS:3231-1965 specification for electrical relays for power system protection.	10 relays	Rs. 4.00	1 April 1972
4	Steel wheelbarrows (with two wheels).	IS:4184 1967 Specification for steel wheelbarrows (with two wheels).	One wheel barrow	50 Paise	16 June 1972

[No. CMD/13:10]

एस० ओ० 2776.—भारतीय मानक संस्था (प्रमाणन विभाग) विनियम 1955, के विनियम 7 के उपविनियम (3) के अनुसार भारतीय मानक संस्था की ओर से अधिसूचित किया जाता है कि विभिन्न उत्पादों को प्रति इकाई मुहरांकन फीस जिनके ब्यारे अनुसूची में दिए गए हैं, निष्परित की गई हैं और यह फीस आग दिखाई गई तिथियों से लागू हो जाएंगी।

अनुसूची

श्रम संख्या	उत्पाद/उत्पादन का वर्ग	सम्बद्ध भारतीय मानक की प्रक्रिया और शीर्षक	इकाई	प्रति इकाई मुहर लगाने की फीस	लागू होने की तिथि
(1)	(2)	(3)	(4)	(5)	(6)
1.	सामान्य कार्यों के लिए (चित्र-टीका) लैटर प्रेस की स्थाही, काली	IS : 2105—1962 सामान्य कार्यों के लिए (चित्र-टीका) लैटर प्रेस की स्थाही, काली	एक किंवा ० एक किंवा ०	10 पैसे	16 मार्च 1972
2.	इस्पात का एक पहिया ठेला (एक पहिए नुमा)	IS : 2431—1963 इस्पात एक पहिए ठेला के एक पहिए ठेले की विशिष्टि (एक पहिए नुमा)	50 पैसा	50 पैसा	16 जून 1972
3.	पावर सिस्टम के बचाव के लिए इलेक्ट्रिकल रिलेज	IS : 3231—1965 पावर सिस्टम के बचाव के लिए इलेक्ट्रिकल रिलेज की विशिष्टि	10 रिलेज	₹ 4.00	1 अक्टूबर 1972
4.	इस्पात की दो पहियों वाले ठेला (दो पहिए लगे)	IS : 4184—1967 इस्पात एक दो पहिया की दो पहियों वाला ठेला की ठेला विशिष्टि (दो पहिए लगे)	50 पैसा	50 पैसा	16 जून 1972

[संख्या सी एम डी/13:10]

New Delhi, the 26th July 1972

S.O. 2777.—In pursuance of sub regulation(1) of Regulation 8 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended from time to time, the Indian Standards Institution, hereby, notifies that thirty three licences, particulars of which are given in the following Schedule, have been granted during the month of January 1972 authorising the licensees to use the Standard Marks:

THE SCHEDULE

Sl. No.	Licence No. (CM/L-)	Period of Validity From	To	Name and Address of the Licensee	Article/Process covered by the Licence and the Relevant IS: Designation
1	2	3	4	5	6
1	CM/L-2862 3-1-1972	1-1-1972	31-12-1972	Anglo India Jute Mills Co. Ltd., (Middle Mill), Jagardal P.O., 24 Parganas (W. Bengal) having their office at 31, Netaji Subhas Road, Calcutta-I.	Jute bags for packing cement—IS : 2580-1965.
2	CM/L-2863 5-1-1972	16-1-1972	15-1-1973	Jaya Shri Textiles & Industries Limited, Rishra, Distt. Hooghly (West Bengal).	Unlined flex covers bags for fire fighting 63 mm and 70mm—IS : 4927-1968.
3	CM/L-2864 5-1-1972	16-1-1972	15-1-1973	American Spring & Pressing Works Pvt. Ltd., Malad, Bombay-64 NB.	Single-barrel stirrup pump—IS : 1971-1965
4	CM/L-2865 7-1-1972	16-1-1972	15-1-1973	Hindustan Wires Limited, B.T. Road, Sukchar, 24 Parganas (W. Bengal) having their office at 16/5, Chowinghee Road, Calcutta-I3.	Mild steel wire for general engineering purposes—IS : 280-1962.
5	CM/L-2866 7-1-1972	16-1-1972	15-1-1973	Gladstone Lyall Employees' Industrial Co-operative Society Ltd., 59, Kalicharan Ghosh Road, Calcutta-50 having their office at 6/1, Munshin-gunge Road, Calcutta-23.	Bitumen felt for water proofing and damp proofing, type 3, grade I—IS : 1322-1970.
6	CM/L-2867 10-1-1972	16-1-1972	15-1-1973	A.R. Dewanjee & Co., D 687, Lake Gardens, Calcutta 45 having their office at 12B, Netaji Subhas Road, Calcutta-I.	Tea-chest metal fittings—IS : 10-1970.
7	CM/L-2868 14-1-1972	16-1-1972	15-1-1973	New Central Jute Mills Co. Ltd., (Albion Mills), Budge Budge, 24 Parganas (W. Bengal) having their office at 11 Clive Row, Calcutta-I.	Jute carpet backing fabric—IS : 4900-1969.
8	CM/L-2869 14-1-1972	16-1-1972	15-1-1973	New Central Jute Mills Co. Ltd., (Lothian Mills), Budge Budge, 24 Parganas (W. Bengal) having their office at 11, Clive Row, Calcutta-I.	Jute carpet backing fabric—IS : 4900-1969
9	CM/L-2870 14-1-1972	16-1-1972	15-1-1973	Impex Traders, 2135, Masjid Khajoor, Dharampura, Delhi.	Wrought aluminium utensils, grade SIC—IS : 21-1959.
10	CM/L-2871 14-1-1972	16-1-1972	15-1-1973	Central Insecticides & Fertilisers, Saki Naka, Vihar Lake Road, Kurla, Bombay-70.	Malathion dusting powders—IS : 2568-1963
11	CM/L-2872 14-1-1972	16-1-1972	15-1-1973	Mukand Iron & Steel Works Ltd., Survey No. 144, Marol Villa, Andheri-Kurla Road, Bombay having their office at Agra Road, Kurla, Bombay—70.	Cold twisted deformed steel bars for concretes Re-forcement—IS : 1786-1966.
12	CM/L-2873 14-1-1972	16-1-1972	15-1-1973	Industrial Minerals & Chemical Co. Pvt. Ltd., Kurla-Marol Road, Chakala, Andheri, Bombay-58 having their office at 125, Narayan Dhrub Street, Nagdevi, Bombay-3.	Chlordane dusting powders—IS : 2864-1964
13	CM/L-2874 14-1-1972	16-1-1972	15-1-1973	Do.	Fenitrothion emulsifiable concentrates—IS : 5281-1969.
14	CM/L-2875 14-1-1972	16-1-1972	15-1-1973	Do.	Diazinon emulsifiable concentrates—IS : 2861-1964.
15	CM/L-2876 15-1-1972	16-1-1972	15-1-1973	National Trading Corporation, 1, Debendra Mullick Street, Calcutta-12 having their office at 23, Strand Road, Calcutta-I.	Tea-chest metal fittings—IS : 10-1970.

1	2	3	4	5	6
16	CM/L-2877 15-I-1972	I-2-1972	31-I-1973	Associated Battery Makers (Eastern) Limited, Exide Factory, Newchard Road, Shambnagar, West Bengal having their office at Exide House, 59E, Chowinghee Road, Calcutta-20.	Miners' cap lamp Batteries (lead-acid type) o.8 ampere rating—IS : 2512-1963.
17	CM/L-2878 15-I-1972	I-2-1972	31-I-1973	Oldham & Sons (India) Limited, Post Box No. 2635, 21/22, Alandur Road, Madras-32 (Tamil Nadu) having their Registered Office at 5, Melean Street, Madras-1. (Tamil Nadu).	Miners' cap lamp batteries (lead-acid type) o.8 ampere rating—IS : 2512-1963.
18	CM/L-2879 17-I-1972	[16-I-1972	15-I-1973	Pampasar Distillery, India Sugars and Refinerics Ltd, Hospet, Bellary District, Mysore State.	Country spirit—IS : 5281-1969.
19	CM/L-2880 17-I-1972	I6-I-1972	15-I-1973	Bangalore Pesticides Ltd., 10th Milestone, Tumkur Road, Bangalore-22, having their office at 7/4, Sankey Road, Bangalore-20.	Chlordone emulsifiable concentrates—IS : 2682-1966.
20	CM/L-2881 18-I-1972	I6-I-1972	15-I-1973	Morvi Vegetable Products, Vegetable Road, Morvi (Gujarat).	18 Litre square tins—IS : 916-1966.
21	CM/L-2882 20-I-1972	[1-2-1972	31-I-1973	Indian Tool Manufacturers Ltd., 101, Sion Road, Sion, Bombay-22 DD.	(i) Chucking reamers with parallel shanks—IS : 5446-1969. (ii) Chucking reamers with Morse taper shanks—IS : 5447-1969. (iii) Socket reamers with Morse taper shank—IS : 5907-1970. (iv) Taper pin machine reamers—IS : 5918-1970. (v) Machine bridge reamers—IS : 5919-1970. (vi) Shell reamers IS : 5926-1970. (vii) Machine jug reamers—IS : 6091-1971.
22	CM/L-2883 24-I-1972	I-2-1972	31-I-1973	Kala Parishat, AT Agraharam, Guntur-4 (A.P.)	Dye-based fountain pen ink red, green, black, violet and royal blue—IS : 1221-1957.
23	CM/L-2884 24-I-1972	[1-2-1972	31-I-1973	Indore Steel & Iron Mills, Behind Forges Blower 60, Naroda Road, Ahmedabad-2.	Cold twisted deformed steel bars for concrete reinforcement—IS : 1786-1966.
24	CM/L-2885 24-I-1972	[1-2-1972	[31-I-1973	National Iron & Steel Co. Ltd., NISCO-WORKS, P.O. Belurmath, Howrah, (W. Bengal).	Structural Steel (Standard Quality). IS : 226-1969.
25	CM/L-2886 24-I-1972	[1-2-1972	31-I-1973	National Iron & Steel Co. Ltd., NISCO-WORKS, P.O. Belurmath, Howrah (W. Bengal).	Structural Steel (Ordinary Quality) IS : 1977-1969.
26	CM/L-2887 25-I-1972	I-2-1972	31-I-1973	Bombay Chemicals Pvt. Ltd., 19 Victoria Road, Low Level Roay Road, Mazagaon, Bombay having their office at 129, Mahatma Gandhi Road, Bombay-1.	Disinfectant fluids. 1. Normal type class A, grades 1, 2 & 3. 2. Normal type class B, grade 1 only—IS : 1061-1964.
27	CM/L-2888 31-I-1972	I-2-1972	[31-I-1973	Hindustan Steel Ltd., Madras Port Trust, Marshalling Yard Area, South Beach Road, Madras having their office at 122 Mount Road, Gemini Circle, Madra -6.	Cold twisted deformed steel bars for concrete reinforcement—IS : 1786-1966.
28	CM/L-2889 31-I-1972	[1-2-1972	31-I-1973	B. Choudhury & Co., 27, Dr. Sundari Mohan Avenue Calcutta-14 having their office at 162A, Vivekananda Road, Calcutta-6.	Tea-chest metal fittings—IS : 10-1970.
29	CM/L-2890 31-I-1972	[1-2-1972	31-I-1973	Central Insecticides & Fertilizers, Saki Naka, Vihar Lake Road, Bombay-72.	Parathion emulsifiable concentrates—IS : 2129-1962.
30	CM/L-2891 31-I-1972	[1-2-1972	31-I-1973	Do."	Methyl parathion emulsifiable concentrate—IS : 2865-1964.
31	CM/L-2892 31-I-1972	[1-2-1972	31-I-1973	Tata Fison Industries Ltd., 431/4 Panchpakhadi Village, Balrajeshwar Temple Road, Mulund, Bombay-80.	Fenitrothion emulsifiable concentrates—IS : 5281-1969.

1	2	3	4	5	6
32	CM/L-2893 31-I-1972	1-2-1972	31-I-1973	Eastern Industries & Trade Centre, 13/16, Dayram Naskar Lane, Howrah having their office at 402, Chitpur Road, Calcutta-7.	Tea-chest metal fittings—IS : 10-1970.
33	CM/L-2894 31-I-1972	1-2-1972	31-I-1973	Titaghur Jute Factory Co., Ltd., (Mill No. 2), P.O. Titaghur, 24 Parganas (W. Bengal) having their office at 3, Clive Row, Calcutta-1.	DW flour bags—IS : 3984-1967.

[No. CMD/13:11]

नई दिल्ली, 26 जुलाई, 1972

एस० ओ० 2777.—समय समय पर संशोधित भारतीय मानक संस्था (प्रमाणन चिह्न) विनियम, 1955 के उपविनियम 8 के उपविनियम (1) के अनुसार भारतीय मानक संस्था की ओर से अधिसूचित किया जाता है कि तेंतीस लाइसेंस जिनके ब्यौरे नीचे अनुसूची में दिए गए हैं, लाइसेंसधारियों को मानक सम्बन्धी मुहर लगाने का अधिकार देते हुए माह जनवरी 1972 से स्वीकृत किए गए हैं :

अनुसूची

क्रम संख्या	लाइसेंस संख्या (सी एम/एल)	बैधता की अवधि से तक	लाइसेंसधारी का नाम व पता	लाइसेंस के अधीन वस्तु/ प्रक्रिया और तत्सम्बन्धी पदनाम	
(1)	(2)	(3)	(4)	(5)	(6)
1	सी एम/एल-2862 3-1-1972	1-1-1972	31-12-1972	ऐंग्लो-इंडिया जूट मिल्स कं० लि० (मध्य मिल), जगतदल डाक- घर, 24 परगना (प० बंगाल) इनका कार्यालय 31, नेताजी सुभाष रोड, कलकत्ता-1, में है	सीमेट भरने की जूट की बोरियां— IS : 2580-1965
2	सी एम/एल-2863 5-1-1972	16-1-1972	15-1-1973	जयश्री टेक्सटाइल्स एण्ड इंडस्ट्रीज लिमिटेड, रिपरा, जिला दुगली (प० बंगाल) इनका कार्यालय 16/5, चौरंगी रोड, कलकत्ता- 13, में है।	आग बुझाने के बिना अस्तर लगे सन के कंवरस के होज 63 मिमी और 700 मिमी— IS : 4927-1968 .
3	सी एम/एल-2864 5-1-1972	16-1-1972	15-1-1973	अमेरिकन स्प्रिंग एण्ड प्रेसिंग वर्क्स प्रा० लि०, मलाड, बम्बई-64 एन बी	इकहरी नाली वाले पायदान लगे पम्प— IS : 1971-1965
4	सी एम/एल-2865 7-1-1972	16-1-1972	15-1-1973	हिन्दुस्तान वायर्स लि०, बी० टी० रोड, सुकबार, 24 परगना (प० बंगाल) इनका कार्यालय 16/5, चौरंगी रोड, कलकत्ता- 13, में है।	सामान्य इंजीनियरी कार्यों के लिए मृदु इस्पात का तार— IS : 280-1962
5	सी एम/एल-2866 7-1-1972	16-1-1972	15-1-1973	ग्लैस्टन लायल इम्पालाईज इंड- स्ट्रियल कोआपरेटिव सोसायटी लि०, 59, कालीचरन घोष रोड, कलकत्ता-50 इनका कार्यालय : 6/1, मुश्शीगंग रोड, कलकत्ता-23, में है।	जलसह और नमीसह बनाने के लिए बिट्यूमेन के नमदे, टाइप 3, प्रेड 1— IS: 1322-1970

(1)	(2)	(3)	(4)	(5)	(6)
6 सी एम/एल-2867 10-1-1972	16-1-1972	15-1-1973	ए० आर० दीनवाजी एण्ड कं०, डी-687, लेक गार्डन, कल- कत्ता-45 इनका कार्यालय : IS : 10-1970 12/बी, नेताजी सुभाष रोड, कलकत्ता-1, में है।	चाय की पेटियों के धातु के फिर्टिंग—	
7 सी एम/एल-2868 14-1-1972	16-1-1972	15-1-1973	न्यू सेंट्रल जूट मिल्स कं० लि०, जूट के गलीचे के पीछे (एल्बियन मिल्स); बज बज, लगाने का कपड़ा— 24 परगना (प० बंगाल) इनका IS : 4900-1969 कार्यालय 11 क्लाइव रो, कलकत्ता-1, में है।	(एल्बियन मिल्स); बज बज, लगाने का कपड़ा— 24 परगना (प० बंगाल) IS : 4900-1969	
8 सी एम/एल-2869 14-1-1972	16-1-1972	15-1-1973	न्यू सेंट्रल जूट मिल्स कं० लि०, जूट के गलीचे के पीछे (लोधियन मिल्स), बज बज, लगाने का कपड़ा— 24 परगना (प० बंगाल), इनका कार्यालय 11 क्लाइव रो, कलकत्ता-1, में है।	(लोधियन मिल्स), बज बज, लगाने का कपड़ा— 24 परगना (प० बंगाल), IS : 4900-1969	
9 सी एम/एल-2870 14-1-1972	16-1-1972	15-1-1973	इम्पेक्स ट्रेडर्स, 2135, मस्जिद खजूर, घरमुद्दा, दिल्ली	पिटवां एल्युमिनियम के बत्तन, ग्रेड एस आई सी— IS : 21-1959	
10 सी एम/एल-2871 14-1-1972	16-1-1972	15-1-1973	सेंट्रल इंसेक्टीसाइड्स एण्ड फर्टी- लाइजर्स, साकी नाका, विहार लेक रोड, कुरला, बम्बई-70	लालायिथोन धूलन पाउडर— IS : 2568-1963	
11 सी एम/एल-2872 14-1-1972	16-1-1972	15-1-1973	मुकंद आयरन एण्ड स्ट्रील वर्क्स लि०, सर्व सं० 144, मरोल गांव अंधेरी-कुरला रोड, बम्बई— इनका कार्यालय आगरा रोड, कुरला, बम्बई-70, में है।	कंक्रीट प्रबलन के लिए ठंडी मरोड़ी विकृत इस्पात की सरिया— IS : 1786-1966	
12 सी एम/एल-2873 14-1-1972	16-1-1972	15-1-1973	इंडस्ट्रियल मिनरल्स एण्ड कमिकल कं० प्रा० लि०, कुरला-मरोल रोड, चकला, अंधेरी, बम्बई-58— इनका कार्यालय 125, नारायण धु स्ट्रीट, नागदेवी, बम्बई-3, में है।	क्लोरडेन धूलन पाउडर— रोड, चकला, अंधेरी, बम्बई-58— इनका कार्यालय 125, नारायण धु स्ट्रीट, नागदेवी, बम्बई-3, में है।	
13 सी एम/एल-2874 14-1-1972	16-1-1972	15-1-1973	इंडस्ट्रियल मिनरल्स एण्ड केमि- फल कं० प्रा० लि०, कुरला- मरोल रोड, चकला, अंधेरी, IS : 5281-1969 बम्बई-58—इनका कार्यालय 125, नारायण धु स्ट्रीट, नागदेवी, बम्बई-3, में है।	फेनीट्राथियोन पायसनीय तेज द्रव— IS : 5281-1969	
14 सी एम/एल-2875 14-1-1972	16-1-1972	15-1-1973	,	डायाजिनोन पायसनीय तेज द्रव— IS : 2861-1964	

(1)	(2)	(3)	(4)	(5)	(6)
15	सी एम/एल-2876 15-1-1972	16-1-1972	15-1-1973	नेशनल ट्रेडिंग कार्पोरेशन, 1, देवेन्द्र मलिक स्ट्रीट, कल- कता-12—इनका कार्यालय 23, स्ट्रैड रोड, कलकता-1 में है।	चाय की पेटियों के धातु के फिटिंग— IS : 10-1970
16	सी एम/एल-2877 15-1-1972	1-2-1972	31-1-1973	एसोसियेटेड बैटरी मेकर्स (ईस- टर्न) लि०, इक्साइट फैक्टरी, न्यूचार्ड रोड, शामनगर, पं० बंगल—इनका कार्यालय इक- साइड हाऊस, 59-ई चौरसंगी रोड, कलकता-20, में है।	खनिकों की टोपियों में लगाने वाली लैम्प बैटरियां (सीसा-अम्ल नुमा), 0.8 एम्पी रेट— IS : 2512-1963
17	सी एम/एल-2878 15-1-1972	1-2-1972	31-1-1973	ओलरम एण्ड सन्स (इंडिया) लि०, पोस्ट बाक्स सं० 2635, 21/22, अलंदूर रोड, मत्रास- 32 (तमिलनाडु)—इनका रजिस्ट्रीकृत कार्यालय 5, मेलीन स्ट्रीट, मद्रास-1 (तमिलनाडु) में है।	खनिकों की टोपियों में लगाने वाली लैम्प बैटरियां (सीसा-अम्ल नुमा)-0.8 एम्पी रेटिंग— IS: 2512-1963
18	सी एम/एल-2879 17-1-1972	16-1-1972	15-1-1973	पम्पासर डिस्ट्रिलरी, इंडिया शूगर एण्ड रिफाइनरीस लि०, होजपेट, बल्लारी जिला, मैसूर राज्य।	देसी शाराब— IS: 5287:1969
19	सी एम/एल-2880 17-1-1972	16-1-1972	15-1-1973	बंगलोर पेस्टीसाइड्स लि०, दसवां मील, दुम्कुर रोड, बंगलोर-22—इनका कार्यालय 7/4 संके रोड, बंगलोर-20, में है।	क्लोरेन पायसनीय तेज द्रव— IS: 2686-1966
20	सी एम/एल-2881 18-1-1972	16-1-1972	15-1-1973	मोर्डी विजिटेबल प्राउड्स विजिटेबल रोड, मोर्डी (गुजरात)	18-लीटर समाई वाले वर्गाकार टिन— IS: 916-1966
21	सी एम/एल-2882 20-1-1972	1-2-1972	31-1-1973	इंडियन टूल मैन्युफॉर्मर्स लि०, 101, सिएन रोड, सिएन, बम्बई-22 डी डी।	(1) समान्तर शैक वाले चक में लगाने वाले रीमर— IS: 5446-1969 (2) मोर्स गावदुम शैक वाले चक में लगाने वाले रीमर— IS: 5447-1969 (3) मोर्स गावदुम शैकों वाले साकेट रीमर— IS: 5907-1970 (4) गावदुम पिन वाले मशीन रीमर— IS: 5918-1970

(1)	(2)	(3)	(4)	(5)	(6)
22	सी एम/एल-2883 24-1-1972	1-2-1972	31-1-1973	कला परिषद् ए टी अग्रहरम् गुटूर-4 (आ०प्र०)	(5) मशीन ब्रिज रीमर- IS: 5919-1970 (6) शेल रीमर- IS: 5926-1970 (7) मशीनरी जग रीमर- IS: 6091-1971 रंजकों से बनी फाउंटेन पेन की स्याही लाल, हरी, काली, भूरी और नीली- IS: 1221-1957
23	सी एम/एल-2884 24-1-1972	1-2-1972	31-1-1973	इंदौर स्टील एण्ड आयरन मिल्स, फोजर्स ब्लॉक्स क० के पीछे, नरोदा रोड, प्रह्लदाबाद-2	कंकीट प्रबलन के लिए 'डी मरोड़ी विकृत इस्पात की सरिया- IS: 1786-1966
24	सी एम/एल-2885 24-1-1972	1-2-1972	31-1-1973	नेशनल आयरन एण्ड स्टील क० लि०, निरकोषक्ष, डाकघर बेलूरमठ, हावड़ा (प० बंगाल)	संरचना इस्पात (मानक किस्म)- IS: 226-1969
25	सी एम/एल-2886 24-1-1972	1-2-1972	31-1-1973	"	संरचना इस्पात (साधारण किस्म)- IS: 1977-1969
26	सी एम/एल-2887 25-1-1972	1-2-1972	31-1-1973	बम्बई केमिकल्स प्रा० लि०, 19, विकटोरिया रोड, लो लेवल रिए रोड, मजगांव, बम्बई— इनका कार्यालय 129, महात्मा गांधी रोड, बम्बई-1, में है।	निर्दृष्टक द्रव : (1) साधारण प्रकार श्रेणी ए, ग्रेड 1, 2 और 3 (2) साधारण प्रकार श्रेणी बी, ग्रेड 1 केवल— IS: 1061-1964
27	सी एम/एल-2888 31-1-1972	1-2-1972	31-1-1973	हिन्दुस्तान स्टील लि०, मद्रास पोर्ट ट्रस्ट, मार्शलिंग यार्ड एरिया, साउथ बीच रोड, मद्रास— इनका कार्यालय 122, माउंट रोड, जमिनी सक्किल, मद्रास— में है।	कंकीट प्रबलन के लिए ठंडों मरोड़ी विकृत इस्पात की सरिया- IS: 1786-1966
28	सी एम/एल-2889 31-1-1972	1-2-1972	31-1-1973	बी० चौधरी एड क०, डा० सुन्दरी मोहन एवेन्यू, कलकत्ता- 14, इनका कार्यालय 162-ए विवेकानन्द रोड कलकत्ता-6, में है।	चाय की पेटियों के लिए तु के फिटिंग— IS: 10-1960
29	सी एम/एल-2890 31-1-1972	1-2-1972	31-1-1973	सेंट्रल इंसेक्टीसाइड्स एण्ड फर्टीलाइ- जर्स, साकी नाका, विहार लेक रोड, बम्बई-72	पैराथियोन पायसनीय तेज द्रव— IS: 2129-1962

(1)	(2)	(3)	(4)	(5)	(6)
30	सी एम/एल-2891 31-1-1972	1-2-1972	31-1-1973	सेट्रेंस इंसेप्टीसाइड्स एण्ड फर्टी- लाइजर्स, साको नाका, किहार लेक रोड, बम्बई-72	सिधाइल पैराथियोन पाय- सनीय तेज द्रव- IS: 2865-1964
31	सी एम/एल-2892 31-1-1972	1-2-1972	31-1-1973	टाटा फायशन इंडस्ट्रीज लि०, 431/4, पंचपखाड़ी गांव, बालराजेश्वर मंदिर रोड, मुंबई बम्बई-80	फनीद्राथियोन पायसनीय तेज द्रव- : 5281-1969
32	सी एम/एल-2893 31-1-1972	1-2-1972	31-1-1973	ईस्टने इंडस्ट्री एण्ड ट्रेड सेंटर, 13/16 दयाराम नस्कर लेन, हाथड़ा - इनका कार्यालय 402, चितपुर रोड, कलकत्ता- 7, में है।	आय की पेटियों के धातु के फिटिंग- IS: 10-1970
33	सी एम/एल-2894 31-1-1972	1-2-1972	31-1-1973	टीटागढ़ जूट फैक्टरी क० सि०, (मिल सं० 2) डाकघर टीटागढ़, 24 परगना (प० बंगाल)-इनका कार्यालय 3, कलाइव रोड, कलकत्ता-1, में है।	दोहरी परत के आटे के बोरे- IS: 3984-1967

[सं० सी एम डी/13:11]

New Delhi, the 27th July 1972

S. O. 2778.—In pursuance of regulation 4 of the Indian Standards Institution (Certification Marks) Regulation, 1965, the Indian Standards Institution hereby notifies that amendment(s) to the Indian Standard(s) given in the schedule hereto annexed have been issued under the powers conferred by the sub-regulation (1) of Regulation 3 of the said Regulations.

THE SCHEDULE

Sl. No.	No. and title of the Indian Standard amended	No. and date of Gazette Notification in which the esta- blishment of the Indian Standard was notified ,	No. and date of the Amendment	Brief particulars of the Amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)	(5)	(6)
1.	IS: 350-1968 Specification for Organic, Baking, impregna- ting, insulating varnishes for electrical purposes (first revision).	S. O. 1906 dated 17 May, 1969	No. 2 October 1971	Clause A-1.1(g) has been amended.	1 October 1971
2.	IS: 555-1967 Specification for electric table type fans and regulators (Second Revision).	S.O. 1720 dated 18 May, 1968	No. 3 October 1971	(i) Clause 6.1.1 has been sub- stituted by a new one. (ii) (Page 5, foot-note)— insert the following foot- note at the bottom of page after the foot-note marked “*” “Degrees of protection provided by enclosures for rotating electrical machinery.” (iii) Clauses 6.8 and 10.1 have been amended.	1 October 1971

(1)	(2)	(3)	(4)	(5)	(6)
3.	IS: 1116-1957 Specification for glass globes for hurricane lanterns.	S. O. 410 dated 5 April, 1958	No. 1 September 1971	Clause 3.3 has been substituted by a new one.	1 September 1971
4.	IS: 1169-1967 Specification for electric pedestal type fans and regulators.	S. O. 1720 dated 18 May, 1968	No. 2 October 1971	(i) Clause 6.1.1 has been substituted by a new one. (ii) (Page 5, foot-note)—Insert the following footnote at the bottom of the page after foot-note marked §). 'Degrees of protection provided by enclosures for rotating electrical machinery.' (iii) Clause 11.1 has been amended.	1 October 1971
5.	IS: 1190-1969 Specification for twin wire healds for use in Cotton and Silk weaving (excluding jacquard, fancy and jute weaving) (First Revision).	S. O. 2110 dated 29 May, 1971	No. 1 September 1971	A note has been added under clause 2.5.	1 September 1971
6.	IS: 1200-1964 Method of measurement of building works (Revised).	S. O. 2673 dated 28 August, 1965	No. 8 September 1971	(i) [Page 2 (page 3 of the Reprint), Serial No. 13, 14 and 21]—Delete these numbers. (ii) [Pages 59 to 62 (pages 61 to 65 of the Reprint) clause 13]—Delete all the provisions given under this clause. (iii) [Page 63 to 67 (page 65 to 69 of the Reprint), clause 14]—Delete all the provisions given under this clause. (iv) [Pages 89 to 92 (pages 91 to 94 of the Reprint), clause 21]—Delete all the provisions given under this clause.	1 September 1971
7.	IS: 1222-1969 Specification for ink, duplicating, for twin cylinder rotary machines (First Revision).	S. O. 4848 dated 6 December, 1969	No. 1 October 1971	(i) Clause 5.2 (c) has been deleted and items (d) and (e) re-numbered as (c) and (d) respectively. (ii) Clauses A-4.1, A-4.1.1, re-numbered clauses 5.2 (c) and 5.2 (d) have been amended.	1 October 1971
8.	IS: 1448(Part III)-1963-Methods of test for petroleum and its products, part III (P: 53 acidity and alkalinity in greases).	S. O. 3059 dated 2 October, 1965	No. 1 October 1971	This amendment is being issued in order to align the method with the Institute of Petroleum Standard No. 37/66.	1 October 1971
9.	IS: 1603-1964 Specification for door mats-rod (Revised).	S. O. 735 dated 6 March, 1965	No. 2 October 1971	Clause 4.6 has been substituted by a new one.	1 October 1971
10.	IS: 1827-1961 Specification for liquid amine salts of 2, 4-D.	S. O. 2338 dated 30 September, 1961	No. 2 October 1971	Table I and clause B-3.2 have been amended.	1 October 1971
11.	IS 1945-1961 Specification for glass bottles for fluid ink.	S. O. 1100 dated 14 April, 1962	No. 1 October 1971	Clause 4.4 has been substituted by a new one.	1 October 1971
12.	IS: 2078-1962 Method for tensile testing of grey cast iron.	S. O. 808 dated 30 March, 1963	No. 1 October 1971	Table II and III have been amended.	1 October 1971
13.	IS: 2081-1962 Specification for taper terminal cable connectors for automobile batteries.	S. O. 2838 dated 15 September, 1962	No. 1 October 1971	(i) Clauses 2.3, 2.3.1 and 3.2.1.2 have been substituted by new ones. (ii) Clause 3.2 has been amended.	1 October 1971

(1)	(2)	(3)	(4)	(5)	(6)
14	IS:2121—1962 Specification for fittings for aluminium and steel-cored aluminium conductors for overhead power lines	S. O. 1682 dated 22 June 1963	No. 2 October 1971	(i) (Page 9, clauses 8·1·3 & 8·1·3·1)— Delete (ii) A new clause 7·1·4 has been added. (iii) Clause 7·2 has been amended	1 October 1971
15	IS:2389—1968 Specification for precision hexagon bolts, Screws, nuts and lock nuts (diameter rang 1·6 to 5mm (first Revision).	S. O. 2555 dated 28 June 1969	No. 1 October 1971	Table 2 has been amended 1 October 1971	
16	IS:2532—1965 Specification for hard-drawn copper wire for telegraph and telephone purposes	S. O. 1081 dated 9 April, 1966	No. 2 October 1971	(Page 5, clause 7·3, line 1)- Substitute 'non-corrosive metal sheet' for 'thick paper'.	1 October 1971
17	IS:2556 (Part V)—1967 Specification for vitreous sanitary appliances (vitreous china) Part V specific requirements of laboratory sinks (first revision)	S. O. 2766 dated 10 August 1968	No. 1 August 1968	Fig. 1 and clause 2·1·1 have been amended.	1 August 1971
18	IS:2716—1964 Specification for myrobalan extract	S. O. 226 dated 16 January 1965	No. 1 October 1971	(Page 16, clause A—8·3·2, Substitute '5 ml' for '2ml'.	1 October 1971
19	IS: 2791—1964 Specification for soluble coffee powder	S. O. 83 dated 2 January 1965	No. 3 August 1971	(i) Table 1 has been amended (ii) Clause C—2·1 has been substituted by a new one	1 August 1971
20	IS:2812—1964 Recommendations for manual tungsten inert-gas arc-welding of aluminium and aluminium alloys.	S. O. 1152 dated 10 April 1965	No. 1 September 1971	This amendment is being issued in order to cover aluminium plates and extruded sections in the standard	1 September 1971
21	IS:2997—1964 Specification for air circulator type electric fans and regulators.	S. O. 664 dated 5 March 1966	No. 4 October 1971	Clause 6·1 has been amended	1 October 1971
22	IS: 3383—1965 Specification for wettable sulphur powder	S. O. 4023 dated 31 December 1966	No. 2 October 1971	Appendix 'A' has been substituted by a new one.	1 October 1971
23	IS:3592—1968 Specification for solvent extracted cottonseed oilcake (meal) as livestock feed (first revision)	S. O. 593 dated 15 February 1969	No. 1 September 1971	Clause 0·4 has been substituted by a new one and clause 3·1 amended.	1 September 1971
24	IS: 3594—1967 Code of practice for fire safety of industrial buildings, general storage and warehousing including cold storages.	S. O. 4562 dated 23 December 1967	No. 1 September 1971	Clause 10·2·1 has been substituted by a new ones.	1 September 1971
25	IS:3836—1966 Code of practice for first safety of industrial buildings: Jute mills.	S. O. 1533 dated 29 April, 1967	No. 1 September 1971	Clauses 11·2·2 and 11·3 have been substituted by new ones	1 September 1971
26	IS:3847—1966 Specification for mortice night latches	S. O. 2177 dated 1 July 1967	No. 1 October 1971	New clauses 13·4 and 13·4·1 have been added.	1 October 1971
27	IS: 3896—1966 Comprison of Indian and overseas standards for iron castings.	S. O. 1719 dated 18 May 1968	No. 1 September 1971	Table 2 has been amended	1 September 1971
28	IS: 4057—1967 Specification for carpenters' metal bodied bench planes	S. O. 2654 dated 5 August 1967	No. 3 October 1971	Clause 4·5 has been substituted by a new one and clause 6·3·1 amended.	1 October 1971
29	IS:4383—1967 Specification for pilot ladders	S. O. 1719 dated 18 May 1968	No. 1 October 1971	Clause 3·2 has been substituted by a new one and the foot-note with market page 3 deleted.	1 October 1971.

(1)	(2)	(3)	(4)	(5)	(6)
30	IS:4438—1967 Specification for perforated steel strips (fillets) for take-up rollers	S. O. 1720 dated 18 May 1968	No. 1 October 1971	The amendment has been issued with a view to make a provision for use of brass sheet for the manufacture of perforated strips (fillets) for take-up rollers.	1 October 1971
31	IS:4503—1967 Specification for shell and tube type heat exchangers	S. O. 4599 dated 28 December 1968	No. 1 October 1971	Clauses 18.1.3 and E—1.1 have been amended	1 October 1971
32	IS:4682 (Part I)—1968 Code of practice for lining of vessels and equipment for chemical processes part I rubber lining.	S. O. 3745 dated 26 October 1968	No. 1 October 1971	(Page 5, clause 3.1.4, last sentence)—Delete.	1 October 1971
33	IS:4684—1968 Specification for edible groundnut flour (expeller pressed)	S. O. 3961 dated 9 November 1968	No. 1 October 1971	Table 1 has been amended 1 October 1971	1 October 1971
34	IS:5026 (Part I)—1969 Specification for radio frequency cables. Part I general requirements and tests	S. O. 3728 dated 13 September 1969	No. 1 September 1971	(i) Title on first cover page & pages 1 and 2 has been substituted by a new one (ii) A new clause 5 has been added after 4.2.2 and the subsequent clauses re-numbered accordingly. (iii) A new clause 5.4.3.3 has been added after 5.4.3.2 and clause 5.4.3.3 re-numbered as 5.4.3.4.	1 September 1971
35	IS:5277—1969 Specification for dichlorvos emulsifiable concentrates.	S. O. 639 dated 21 February 1970	No. 1 October 1971	(i) Clause 3.1 has been amended (ii) A new clause 3.2.1 has been added.	1 October 1971
36	IS:5326—1969 Specification for cork life-buoys	S. O. 1236 dated 4 April, 1970	No. 1 October 1971	(i) Clause 4.3 has been substituted by a new one (ii) (Page 5, foot-notes)—Delete the foot-notes with 'Z' and 'll' marks.	1 October 1971
37	IS: 5368—1969 Specification for thin slotted and castle nuts (dia range 6 to 52 mm)	..	No. 1 October 1971	Table 8 has been amended	1 October 1971
38	IS:5493—1969 Dimensions for wrought copper and copper alloy tubes	..	No. 1 September 1971	Clause 0.2 and foot-notes at page 3 have been amended	1 September 1971
39	IS: 5604—1970 Specification for universal gearless hand operated pulling and lifting machines	..	No. 1 October 1971	(Page 6, clause 4.8, line 3)— Substitute '18kg' for '16kg.'	1 October 1971
40	IS:5636—1970 Specification for cans for 16mm projector spools	..	No. 1 October 1971	(Page 5, clause 5.4, line 2)— Substitute '(See 2.2)' for '(See 2.3)'.	1 October 1971
41	IS:5646—1970 Specification for parisidine	..	No. 1 October 1971	Table 1 has been amended	1 October 1971

Copies of these amendments are available with the Indian Standards Institution, 'Manak Bhavan,' 9 Bahadur Shah Zafar Marg, New Delhi-1 and also its branch offices at (i) 534 Sardar Vallabhbhai Patel Road, Bombay-7 (ii) 5 Chowringhee Approach, Calcutta 13 (iii) 54-General Patters Road, Madras-2, (iv) 117/418B, Sarvodaya Nagar, Kanpur, (v) 5-9-201/2 Chirag Ali Lane, Hyderabad-1, (vi) 'SADHNA', Nurmohamed Shaikh Marg, Kanpur, Ahmedabad-1 and (vii) F-Block, Unity Bldg Narasimha Square, Bangalore-2.

[No. CMD/13:5]

M. V. PATANKAR,
Deputy Director General.

नई दिल्ली, 27 जुलाई, 1972

एस० ओ० 2778.—भारतीय मानक संस्था (प्रमाणन चिह्न) विनियम 1955 के विनियम 4 के अनुसार भारतीय मानक संस्था द्वारा अधिसूचित किया जाता है कि उक्त विनियम 3 के उपविनियम (1) के अनुसार प्राप्त अधिकार के अधीन यहां अनुसूची में विए भारतीय मानकों के संशोधन जारी किए गए हैं :—

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक की जिस राजपत्र में भारतीय मानक तैयार होने की सूचना छपी थी उसकी सं०	संशोधन की संख्या सूचना छपी थी उसकी सं०	संशोधन का संक्षिप्त विवरण	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)	(5)

1. IS: 350—1968 बिजली के एस०ओ० 1906 दिनांक सं० 2 कार्यों के लिए कार्बनी, पकाई जाने 17 मई 1969 अक्टूबर 1971 खण्ड 'ए'-1. 1 (जी) का 1 अक्टूबर 1971 संशोधन किया गया है।
2. IS: 555—1967 बिजली के० एस०ओ० 1720 दिनांक सं० 3 टेबल पंखे और रेग्यूलेटर (दूसरा 18 मई 1968 अक्टूबर 1971 (1) खण्ड 6. 1. 1 के 1 अक्टूबर 1971 स्थान पर नया खण्ड दिया गया है।
(2) (पृष्ठ 5, पाद-टिप्पणी)-'*' तारांकित पाद-टिप्पणी के बाद पृष्ठ 5 के नीचे निम्नलिखित जोड़ लीजिए :
“†Degree of Protection provided by enclosures for rotating electrical machinery”
(3) खण्ड 6. 8 और 10. 1 का संशोधन किया गया है।
3. IS: 1116—1957 लालटेनों के एस०ओ० 410 दिनांक सं० 1 शीशों की चिमनियों की विशिष्टि 5 अप्रैल 1958 सितम्बर 1971 खण्ड 3. 3 के स्थान पर नया 1 सितम्बर 1971 खण्ड दिया गया है।
4. IS : 1169—1967 बिजली के एस०ओ० 1720 दिनांक सं० 2 पेडस्टल पंखों और रेग्यूलेटर की 18 मई 1968 अक्टूबर 1971 (1) खण्ड 6. 1. 1 के 1 अक्टूबर 1971 स्थान पर नया खण्ड दिया गया है।
(2) (पृष्ठ 5, पाद-टिप्पणी)-पृष्ठ के नीचे की ओर मेंशन लगी पाद-टिप्पणी के बाद निम्नलिखित जोड़ लीजिए :
“††Degree of protection provided by enclosures for rotating electrical machinery”
(3) खण्ड 11. 1 का संशोधन किया गया है।

(1)	(2)	(3)	(4)	(5)	(6)
5. IS : 1190—1969	सूती और एस०ओ० 2110 दिनांक सं० 1 रेशमी बुनाई (जैकर्ड और फैन्सी बुनाई के अंतरिक्ष) के लिए दुहरे तार के हीलडों की विशिष्टि (पहला पुनरीक्षण)	खण्ड 2.5 के नीचे एक 1 सितम्बर 1971 सितम्बर 1971 दिप्पणी जोड़ दी गई है।			
6. IS : 1200—1964	इमारती एस०ओ० 2673 दिनांक सं० 8 कार्यों के लिए मापन पद्धति (पुनरीक्षण 28 अगस्त 1965)	खण्ड 2 (रिप्रिट के 1 सितम्बर 1971 पृष्ठ 3), क्रमांक 13, 14 और 21]—इन क्रमांकों को हटा दीजिए।	(1) [पृष्ठ 2 (रिप्रिट के 1 सितम्बर 1971 पृष्ठ 3), क्रमांक 13, 14 और 21]—इन क्रमांकों को हटा दीजिए।	(2) [पृष्ठ 59 से 63 (रिप्रिट के पृष्ठ 61 से 65), खण्ड 13]—इस खण्ड में दिए सभी उपबन्ध हटा दीजिए।	(3) [पृष्ठ 63 से 67 (रिप्रिट के पृष्ठ 65 से 69), खण्ड 14]—इस खण्ड में दिए सभी उपबन्ध हटा दीजिए।
7. IS : 1222—1969	दुहरे सिलेन्डर वाली रोटरी मशीनों के लिए प्रतियां निकालने वाली स्थानी की विशिष्टि (पहला पुनरीक्षण)	एस०ओ० 4848 दिनांक सं० 1 6 दिसम्बर 1969 अक्टूबर 1971	(4) [पृष्ठ 89 से 92 (रिप्रिट के पृष्ठ 91 से 94), खण्ड 21]—इस खण्ड में दिए सभी उपबन्ध हटा दीजिए।	(1) खण्ड 5.2 (सी) को 1 अक्टूबर 1971 हटा दिया गया है तथा मद (डी) और (ई) को बदल कर (सी) और (डी) कर दिया गया है।	(2) खण्ड ए-4. 1, ए-4. 1. 1, को बदल कर खण्ड 5.2 (सी) और 5.2 (डी) का संशोधन कर दिया गया है।
8. IS: 1448 (भाग 3)—1963	पेट्रोलियम तथा उसके उत्पाद की परीक्षण पद्धतियां, भाग 3 (पी: 53 ग्रीजों में अम्लता और क्षारता)	एस०ओ० 3059 दिनांक सं० 1 2 अक्टूबर 1965 अक्टूबर 1971	यह संशोधन परीक्षण पद्धति 1 अक्टूबर 1971 को इंस्टीट्यूट आफ पेट्रोलियम के मानक सं० 37/ 66 के अनुरूप बनाने की विधि से जारी किया जा रहा है।		
9. IS: 1693—1964	राड बुनाई वाले पावदानों की विशिष्टि (पुनरीक्षण)	एस०ओ० 735 दिनांक सं० 2 6 मार्च 1965 अक्टूबर 1971	खण्ड 4.6 के स्थान पर 1 अक्टूबर 1971 नया खण्ड दिया गया है।		

(1)	(2)	(3)	(4)	(5)	(6)
10.	IS: 1827—1961 द्रवित एमाइन एस०ओ० 2338 दिनांक सं० 2 लवण 2, 4—डी विशिष्टि 30 सितम्बर 1961 अक्टूबर 1971			मारणी 1 और खण्ड बी— 1 अक्टूबर 1971 3.2 का संशोधन किया गया है।	
11.	IS: 1945—1961 तरल स्याही एस०ओ० 1100 दिनांक सं० 1 के लिए कांच की बोतलों की विशिष्टि 14 अप्रैल 1972 अक्टूबर 1971			खण्ड 4.4 के स्थान पर नया 1 अक्टूबर 1971 खण्ड दिया गया है।	
12.	IS: 2078—1962 भूरे ढलवां एस०ओ० 898 दिनांक सं० 1 लोहे की तनाव परीक्षण पद्धति 30 मार्च 1963 अक्टूबर 1971			सारणियाँ 2 और 3 का 1 अक्टूबर 1971 संशोधन किया गया है।	
13.	IS: 2081—1962 मोटर एस०ओ० 2838 दिनांक सं० 1 गाड़ियों की बैंटरियों के लिए 15 सितम्बर 1962 अक्टूबर 1971 गावदुम टर्मिनल वाले केबल कनेक्टरों की विशिष्टि			1) खण्ड 2.3, 2.3.1 1 अक्टूबर 1971 और 3.2.1.2 के स्थान पर नए खण्ड दिए गए हैं।	
14.	IS: 2121—1962 शिरोपरि एस०ओ० 1682 दिनांक सं० 2 पावर लाईनों के लिए एल्युमिनि- यम और इस्पात की कोर वाले एल्युमिनियम चालकों के फिटिंग की विशिष्टि	22 जून 1963	अक्टूबर 1971	2) खण्ड 3.2 का संशोधन किया गया है।	
15.	IS: 2389—1968 परिणुद्धता एस०ओ० 2555 दिनांक सं० 1 वाले छहकोणी काबलों, पेचों, डिबरियों और लाकनटों की विशिष्टि (व्यास 1.6 मिमी से 5 मिमी तक) (पहला पुनरीक्षण)	28 जून 1969	अक्टूबर 1971	1) (पृष्ठ 9, खण्ड 8.1.3 1 अक्टूबर 1971 और 8.1.3.1)—इन को हटा लीजिए। 2) नया खण्ड 7.1.4 जोड़ लीजिए। 3) खण्ड 7.2 का संशोधन किया गया है।	
16.	IS: 2532—1965 तार तथा एस०ओ० 1081 दिनांक सं० 2 टेलीफोन के लिए सख्त खिचे ताँबे 9 अप्रैल 1966 अक्टूबर 1971 के तार की विशिष्टि			सारणी 2 का संशोधन किया 1 अक्टूबर 1971 गया है।	
17.	IS: 2556(भाग 5)—1967 एस०ओ० 2766 दिनांक सं० 1 काँचाभ सेनीटरी साधनों (चीनी 10 अगस्त 1968 अगस्त 1971 मिट्टी) (की विशिष्टि, भाग 5 प्रयोगशाला की नांदों की विशिष्टि अपेक्षाएं (पहला पुनरीक्षण)			(पृष्ठ 5, खण्ड 7.3, पक्कित 1 अक्टूबर 1971 1)—'Thick paper' के स्थान पर 'Non-corrosive metal sheet' कर लीजिए। आकृति 1 और खण्ड 2.1.1 1 अगस्त 1971 का संशोधन किया गया है।	
18.	IS: 2716—1964 हरड़ के सत एस०ओ० 226 दिनांक सं० 1 की विशिष्टि	16 जनवरी 1965	अक्टूबर 1971	(पृष्ठ 16, खण्ड ए—8.3.2, 1 अक्टूबर 1971 पक्कित 6)—"2 मि० ग्रा० के स्थान पर 5 मि० ग्रा०" कर लीजिए।	
19.	IS: 2791—1964 घुलनशील काफी पाउडर की विशिष्टि	एस०ओ० 83 दिनांक 2 जनवरी 1965	सं० 3 अगस्त 1971	1) सारणी 1 का संशोधन 1 अगस्त 1971 किया गया है। 2) खण्ड सी—2.1 के स्थान पर नया खण्ड दिया गया है।	

(1)	(2)	(3)	(4)	(5)	(6)
20.	IS: 2812—1964 एल्युमिनियम एस०ओ० 1152 दिनांक सं० 1 प्रौर एल्युमिनियम मिश्रधातुओं की 10 अप्रैल 1965 मितम्बर 1971 हाथ की टंगस्टन अक्रिय-नैस आर्क वैलिंग सम्बन्धी विशिष्टि			यह संशोधन मानक में एल्युमिनि- 1 सितम्बर 1971 यम लेट तथा कड़वा गोक्षरों को शामिल करने के उद्देश्य से जारी किया जा रहा है।	
21.	IS: 2997—1964 हथा देने एस०ओ० 664 दिनांक सं० 4 वाने बिजली के पंखों तथा रेग्यूले- 5 मार्च 1966 अक्टूबर 1971 टरों की विशिष्टि			खण्ड 6.1 का संशोधन 1 अक्टूबर 1971 किया गया है।	
22.	IS: 3383—1965 आर्द्धन योग्य एस०ओ० 4023 दिनांक सं० 2 गंधक के खूंस की विशिष्टि 31 दिसम्बर 1966 अक्टूबर 1971			परिशिष्ट 'ए' के स्वान पर 1 अक्टूबर 1971 नया परिशिष्ट' दिया गया है।	
23.	IS: 3592—1968 पशु आहार के एस०ओ० 593 दिनांक सं० 1 लिए घोलकों द्वारा निकाली बिनाँसे की खली की विशिष्टि (पहला पुनरीक्षण)			खण्ड 0. 4 के स्थान पर नया 1 मितम्बर 1971 खण्ड जोड़ा गया है और खण्ड 3. 1 का संशोधन किया गया है।	
24.	IS: 3594—1967 श्रीद्योगिक एस०ओ० 4562 दिनांक सं० 1 इमारतों, सामान्य भण्डार, माल गोदामों और कोल्ड स्टोरेजों के आग से बचाव की रीति संहिता			खण्ड 10. 2. 1 के स्थान 1 मितम्बर 1971 पर नया खण्ड दिया गया है।	
25.	IS: 3836—1966 प्रौद्योगिक एस०ओ० 1533 दिनांक सं० 1 इमारतों : जूट मिलों की आग से बचाव की रिति संहिता			खण्ड 11. 2. 2 और 11. 3 के स्थान पर नए खण्ड 1 मितम्बर 1971 दिए गए हैं।	
26.	IS: 3847—1966 मार्टिस प्रकार के सुरक्षा नैच की विशिष्टि	एस०ओ० 2177 दिनांक म० 1 1 जुलाई 1967 अक्टूबर 1971		नए खण्ड 13. 4 तथा 1 अक्टूबर 1971 13. 4. 1 जोड़े गए हैं।	
27.	IS: 3896—1966 लोहे की तुली वस्तुओं सम्बन्धी वेशीय तथा विदेशी मानकों की तुलना	एस०ओ० 1719 दिनांक सं० 1 18 मई 1968 मितम्बर 1971		मार्पणी 2 का संशोधन किया 1 सितम्बर 1971 गया है।	
28.	IS: 4057—1967 धातु के मांचे बाले बढ़इयों के बैंच रंडों की विशिष्टि	एस०ओ० 2654 दिनांक म० 3 5 अगस्त 1967 अक्टूबर 1971		खण्ड 4. 5 के स्थान पर नया 1 अक्टूबर 1971 खण्ड दिया गया है तथा खण्ड 6. 3. 1 का संशोधन किया गया है।	
29.	IS: 4383—1967 विमान एस०ओ० 1719 दिनांक सं० 1 चालकों की पट्टी सीकियों की 18 मई 1968 अक्टूबर 1971 विशिष्टि			खण्ड 3. 2 के स्थान पर नया 1 अक्टूबर 1971 खण्ड दिया गया है तथा पृष्ठ पर '+' अंकित पाद-टिप्पणी हटा दी गई है।	
30.	IS: 4438—1967 टेक-अप रोलरों के इस्पात की लिंग्रिट पट्टियों (फिलेट) की विशिष्टि	एस०ओ० 1720 दिनांक सं० 1 18 मई 1968 अक्टूबर 1971		यह संशोधन टेक-अप रोलरों 1 अक्टूबर 1971 की इस्पात की लिंग्रिट पट्टियों के उत्पादन में फीतल की चढ़ों का उपयोग सम्बन्धी उपबन्ध शामिल करने के उद्देश्य से जारी किया जा रहा है।	

(1)	(2)	(3)	(4)	(5)	(6)
-----	-----	-----	-----	-----	-----

31. IS: 4503--1967 शेन और एम०ओ० 4599 दिनांक सं० 1 खण्ड 18.1.3 और इ-1.1.1 अक्टूबर 1971 द्वयब नुमा तथा-एक्सचेंजरों की 28 दिसम्बर 1968 अक्टूबर 1971 का संशोधन किया गया है। विशिष्टि

32. IS: 4682 (भाग 1)--1968 एम०ओ० 3745 दिनांक सं० 1 (खण्ड 5, खण्ड 3.1.4, 1 अक्टूबर 1971 भारायनिक प्रक्रियाओं के लिए 26 अक्टूबर 1968 अक्टूबर 1971 आविरो वाक्य) --हटा बननें और उपकरणों में साइरिंग दीजए। देने की रीति सहिता भाग 1 रबड़ लाइरिंग

33. IS: 4684--1968 मूगफली के एम०ओ० 3961 दिनांक सं० 1 मारणी 1 का संशोधन किया । अक्टूबर 1971 वाह्य आटे (कोल्ह से निकले) की 9 नवम्बर 1968 अक्टूबर 1971 गया है। विशिष्टि

34. IS: 5026 (भाग 1)--1969 एम०ओ० 3728 दिनांक सं० 1 (1) मुख्य पृष्ठ, पृष्ठ 1 और 1 सितम्बर 1971 भिडियो आवृत्ति केबल की विशिष्टि 13 सितम्बर 1969 मितम्बर 1971 2 पर दिए शोर्पे के स्थान भाग 1 सामान्य अपेक्षाएं और पर नया शोर्पे किया गया है। परीक्षण

(2) खण्ड 4, 2, 2 के पश्चात एक नया खण्ड 5 जोड़ा गया है और वाद के खण्डों के क्रमांकों को ठीक कर दिया गया है।

(3) खण्ड 5, 4, 3, 2 के पश्चात एक नया खण्ड 5, 4, 3, 3 जोड़ा गया है और खण्ड 5, 4, 3, 3 का क्रमांक बदल कर 5, 4, 3, 4 कर दिया गया है।

35. IS: 5277--1969 डाइफ्लोरबोस एम०ओ० 639 दिनांक सं० 1 (1) खण्ड 3, 1 का संशोधन । अक्टूबर 1971 पायसनीय तेज द्रव की विशिष्टि 21 फरवरी 1970 अक्टूबर 1971 किया गया है।

(2) नया खण्ड 3, 2, 1 जोड़ा गया है।

36. IS: 5326--1969 कार्क के रक्त- खण्ड 4, 3 के स्थान पर । अक्टूबर 1971 ब्रोया की विशिष्टि 4 मार्च 1970 अक्टूबर 1971 नया खण्ड किया गया है।

(2) (पृष्ठ 5, पाद--टिप्पणियों) — फ्रितथा ““अकित पाद टिप्पणियां हटा दीजिये।

37. IS: 5368--1969 पतले खांच सं० 1 सारणी 8 का संशोधन किया । अक्टूबर 1971 वाली और कैसल छिवरियों (व्यास 6 से 52 मिमी) की अक्टूबर 1971 विशिष्टि सं० 1 गया है।

38. IS: 5493--1969 पिण्डवा तांबे सं० 1 खण्ड 0, 2 तथा पृष्ठ 3 पर । सितम्बर 1971 तथा तांबा मिथिन धातु की नलियों दी गई पाद टिप्पणियों के माप सितम्बर 1971 का संशोधन किया गया है।

(1)	(2)	(3)	(4)	(5)	(6)
39. IS : 5604—1970 हाथ चित्रित खींचने और उठाने के गीयर रहित युनिवर्सल मशीनों की विशिष्टि	—	सं० 1 अक्टूबर 1971	(पृष्ठ 6, खण्ड 4, 8, पक्षित 1 अक्टूबर 1971 3) — '16 कि० मा०' के स्थान पर '18 कि० मा०' कर लीजिए।		
40. IS : 5636—1970 16 मिमी प्रोजेक्टर के स्पूलों के छम्बों की विशिष्टि	—	सं० 1 अक्टूबर 1971	(पृष्ठ 5, खण्ड 5, 4, पक्षित 1 अक्टूबर 1971 2) — '(देखिए 2, 3)' के स्थान पर '(देखिए 2, 2)' कर लीजिए।		
41. IS : 5646—1970 पी-एनी- साइडीन की विशिष्टि	—	सं० 1 अक्टूबर 1971	सारणी 1 का संशोधन किया 1 अक्टूबर 1971 गया है।		

इन संशोधनों की प्रतियां भारतीय मानक संस्था, 9 बहादुर शाह अफर मार्ग, नई दिल्ली—1, और उसके शाखा कार्यालयों (1) 'साधना' नूरसोहम्मद शेख मार्ग, खानपुर अहमदाबाद—1, (2) सिड्डीकेट बैंक बिल्डिंग, गांधीनगर, बंगलौर—9, (3) 534, सरदार बलभद्र भाई पटेल रोड, बम्बई—7, (4) 5, ओरंगी एंप्रोच रोड, कलकत्ता—13, (5) 5-9-20 1/2, चिरागगढ़ी लेन, हैदराबाद—1, (6) 117/418-बी सर्वोदय नगर, कानपुर—5 और (7) 54, जनरल पैटर्स रोड, मद्रास—2, से प्राप्त की जा सकती हैं।

[सं० सी एम डी/13:5]

एम० वी० पाटनकर,
उपमहानिदेशक।

